

Fatwa (Religious Opinion) Chaos and Ways to Address It

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The fatwa is a legitimate necessity, and if it is absent in a society, people's life becomes impossible, so that they don't find someone who teaches them the rule of Allah in their worship, dealings, and all their affairs.

The people's need for fatwas is certain in our times, because of the general need and reliance on it, especially on these days when there is little demand for knowledge, and most of those who adhere to this religion (Islam) are satisfied that scholars refer to what is presented to them, or that bother them, in order to correct an act of worship or a correction of treatment, and few of them are seeking to assemble scientists to graduate from their hands, and then inherit their sciences.

And the greatest witness to the greatness of the fatwa, and the strongest evidence of the elevation of its value and the greatness of her position is that Allah Almighty took over the fatwa himself, so he said: (They ask you [Prophet] for a ruling about women. Say, 'Allah Himself gives you a ruling about them').¹

So stop the fatwa with honor and worth that Allah Almighty has ascribed it to his holy self.

The fatwa in the religion of Allah is one of the greatest things, the most profound benefit, and the most honorable profession, and that is for those who know its worth and the right to look after it.

It is sufficient for the Mufti (the person who is qualified to say Fatwas) to be signed by Allah, the Lord of the worlds, and the heir of the prophets and messengers, and standing by the ummah (Muslims) in behalf of the faithful Prophet (Muhammed), peace and blessings be upon him.² Despite this venerable position of fatwas, however, we notice an insult to this great position by some pious people who publish fatwas that have no connection to Islam, such as violence, forbidden terrorism and extremism in religion, so they actually created what is called (the chaos of the fatwa).

In this respect, we offer radical solutions to this problem to protect the status of the fatwa and defend Islam.

The chaos of the fatwa is a problem that we cannot eliminate in light of these massive revolutions in the means of communication; Rather, we can fluctuate from its effects, and there must be joint cooperation from all

sectors of society to solve this phenomenon, as the matter is great and relates to religion, which is the basis of the existence of the two heavinesses.

The origins of the solution to this problem lie in the following ways:

Muftis (people who are qualified to say fatwa) and their role in addressing the chaos of fatwas

The problem of the chaos of fatwas is solved at first from the inside, and whoever bears the responsibility for the fatwa, and the first to enter into this are the muftis, and their role is summarized in the following:-

-The active presence of qualified scholars and specialists in legal science who meet between the jurisprudence of Shari'a and the jurisprudence of reality, and the declaration of the correct position of the Shari'a in all the problems facing the Ummah (Muslims). Good currency expels bad currency, and no one will be excused at this stage for the lack of means to spread, or because of piety and other excuses that their owners must examine themselves in, so that they are not among those who conceal knowledge, or that they are the cause of the spread of a fatwa or saying something contradicts the true Shari'a.

And it is emphasized that in these days scholars should be prominent and visible on screens and satellite channels, because they are of interest to the public, and their resonance reaches far and wide.

Sheikh Dr. Abdulaziz bin Fawzan Al-Fawzan, Professor of Jurisprudence at the Higher Judicial Institute and a member of the Saudi Human Rights Commission Council, explained that one of the most important problems that can permeate the judicial fatwa and mishandling it is the abandonment of some of the senior scholars whom people look for benefit from, from participating in these satellite programs, either because of their belief that television photography and the like are forbidden, or because they are preoccupied with educational circles in mosques and universities, or for other reasons. And there is no doubt that this will open the way for those who are below them in knowledge and virtue.

- The realization of scholars and specialists in legitimate science that their breath is counted against them, in addition to their words and actions. Hence, caution must be exercised in every phrase and every utterance they say; Because there are those who pick up every word and do not differentiate between an example to clarify an issue or phenomenon and the judgment that the

¹Surat Alnisa', Ayah 127

²Al-Majmoo' by al-Nawawi (1/40), and Al-muafaqat (approvals) to al-Shatibi (4/244).

scientist intends to show, either because of the lack of competence of the media professionals in legitimate issues or because of a need in themselves.

- Spreading the culture of the jurisprudence of disagreement and its rules among the general population of Muslims as well as students of legitimate knowledge and those working in it, in order to behave well and deal with the disagreement, and to avoid attacking and fooling the approved jurisprudential sayings where it is assumed that the difference in jurisprudential issues is possible, and the evidence may gravitate between the two sayings for correction and interpretation.
- Reminder of the fear of Allah Almighty in this religion, and that scholars should not be a reason for diminishing it or discarding it with something that is not in it, by showing or publishing fatwas or sayings that do not take into account the legal guidelines for a fatwa, but rather their owners are keen on either the fame or the victory of a specific doctrine or ideology without considering the consequences of matters and the outcome of their sayings, And this latter is what the jurists considered as one of the controls of the fatwa, the statement may be correct, but it is not correct to publish it in the media, because of the temptation or excitement it entails, or when boys or those with specific interests get it, then they understand it in a way other than it, and throw the Sharia on something that is not in it.

Imam Al-Shatibi said: "Looking at the outcomes of actions is considered a legitimate purpose, whether actions are in agreement or in contravention. That is because the hard worker does not judge an act of those charged with daring or refraining, except after looking at what is legally attributed to that action in favor of it being brought in or for corruption that prevents, but it has purposes contrary to what it's intended. And it may be unlawful for a corruption that arises from it or an interest that is driven by it, but it has purposes otherwise. If the saying was given in the first with legitimacy, then bringing the interest in it may lead to the corruption equals to or more than the interest, so this prevents the uttering of the saying with legitimacy, as well as if the saying in the second one is unlawful, perhaps the urgency of corruption may lead to a corruption equal to or greater, then it is not correct to say that it is not legitimate, and it is a difficult field for the hard-worker to supply, because it is good and going with the purposes of Shari'a.

- Avoiding of Muftis to go with what is useless in the matter of the public, because this diminishes their prestige, reduces their status, and leads to the fall of the Mufti from the eyes of the people, so society does not benefit at that time from the muftis by their asking and questioning.
- The need for the Mufti to continue studying legitimate science and to learn more from it, because knowledge is a sea without a coast, and modern developments are being neglected in abundance and flowing rapidly, which calls for the Mufti to continue scientifically.
- The need for the muftis to understand the image of the emerging issues on the ground, because it leads to the issuance of legitimate judgment, and the judgment on something is based on its perception.

- Avoiding confusing the asker by presenting the jurisprudential differences without choosing and adopting one of them, and simply presenting the sayings and differences without relying on one of them for its strength is an unscientific method, and it creates confusion for the asker, and perhaps it opens the door for him to choose by appetite.
- Conducting academic jurisprudence courses, especially on topics in which the questions are frequent, with the aim of spreading knowledge among people and lifting widespread ignorance.
- Take advantage of modern communication programs and their various applications in transmitting legal fatwas, as these programs are popular among people in society.
- Reviving fatwa councils in mosques and public councils, as it is through them that the community is reached, and people are motivated by presenting their legitimate questions.
- The cooperation of the muftis with the official authorities in the state to achieve cooperation for good. As for complete isolation from the official authorities, it may lead to a lack of significant benefit from the muftis, because people do not know them.
- Muftis' participation in the media in its many forms, as these means are widespread.
- Presenting the fatwas to people in an easy, simplified and facilitative manner, as people are different classes, including the old and the young, the educated and the uneducated, so the mufti has to make sure that his words are clear and understandable, away from affectation, flattery, oddity of vocabulary and brutality of words.

State supervision of the fatwa process

One of the ways to deal with the chaos of fatwas is the state's oversight of the fatwa process. This narrows the course of abnormal fatwas from what some circulate, but it is important that supervision is not a reason for clamping down on the muftis, but rather to control fatwas so that they follow their correct path, and so that the mufti and others feel that their words are calculated on them, and there is a side that supervises the process of the fatwa.

And the tasks of state supervision are as follows:

- The issuance of the law regulating the fatwa.
This requirement has been practically crystallized in the form of a law issued by Jordan in what is known as the Fatwa Law of 2006, which includes a number of articles regulating the affairs of fatwa, and Article 12 of the aforementioned law prohibits those not appointed to the fatwa function to confront the fatwa, and even prohibits questioning the fatwas issued from these the commission, which reads as follows:
- It is not permissible for any person or party to oppose the issuance of legal fatwas in public cases contrary to the provisions of this law.
- It is prohibited for any person or party to challenge and question the fatwas issued by the council and the grand Mufti with the aim of insulting, and many Islamic countries seek to follow the example of Jordan in this unprecedented step.

The UAE also established the Emirates Council for legal Fatwa in 2017, and in the decision issued several legislations regulating the fatwa process.

- Legitimate monitoring of the muftis and the fatwas they issue.³

And if states oversee people's transactions and apply censorship so that people's worldly lives are regular, then it is more important to apply Sharia control to fatwas issued in order to regulate people's religious lives.

This matter is one of the prerogatives, specializations and responsibilities of the guardian, and Al-Nawawi quoted Al-Khatib Al-Baghdadi as saying: The imam should go through the conditions of the muftis, so whoever is righteous to the fatwa, he approves it, and whoever is not, he prevents him and forbids him to return and promises him the punishment if he returns. The way for the imam to know who is fit for fatwa is to ask scholars of his time and approve news of the trusted.

Imam al-Mawardi said in al-Ahkam al-Sultania: "If al-Muhtasib finds someone who is standing up to the knowledge of Islamic law, and not one of his people is a jurist or preacher, and he is not sure that people are deceived in a misinterpretation or distortion, he will deny him confronting what is not from his family, and show his matter lest people be deceived."⁴

Excusing and disciplining those who tamper with fatwas and those who are superior to other than their people, isolate them, and quarantine them:

The scholar Sheikh Muhammad, famous for Ibn al-Munqar, said: "Oh God, guide me to right, the teacher, especially the mufti, must be a scientist, in the way of its spoken and understood, especially the praiseworthy jurisprudence and the sweet manhāl, then it is an imperative for every teacher and scientist, if the mufti is not applying that, he had to be isolated and deterred, and to follow the ugliest paths to deter the ignorant, and to let the minors consider.

The scholar, Sheikh Ali bin Al-Murahal Al-Maliki said: "Praise be to Allah alone, The guardian must consider the interests of the people and provide scholars with knowledge in fatwas and rulings, and to forbid those who transgressing into high positions in matters of religion from ignorant people about the legal rulings, so how ignorant people say fatwas in his ignorance?! Then we seek refuge in God from his anger and hatred.

Scholar Sheikh Ahmad Al-Ithawi Al-Shafi'i replied: "This ignorant person must be prevented from issuing fatwas, and people should be warned against his referendum! Lest they be misled by his misguidance, and to maintain and honor the position".

Ibn al-Qayyim mentioned that whoever issues fatwas and he is not qualified is a sinner, and whoever approves of him from the guardianship of affairs on that is also a sinner.

And Ibn El-Farag said: The guardian must prevent them like what Banu Umayya did, those are in the status of the blind who guides people to the Qibla, and to the level of one who has no knowledge of medicine while treating people, he is even worse off than all of them, and if the guardian of the matter has to prevent those who have no knowledge of medicine from treating people, so how about someone who knows nothing about Qur'an, Sunnah or jurisprudence?

And our sheikh, Ibn Taymiyyah -may God have mercy on him- was severely denounced against these people, so I heard him saying to me, have you made some of these people accountable for the fatwa, so I said to him that it might be on the bakers and cooks, and the fatwa is not counted.

Al-Khatib Al-Baghdadi said: "The imam should go through the conditions of the muftis, so whoever is righteous to issue fatwas, he will approve him, and whoever is not fit, he stops him and prevents him from going back, and to promise him the punishment if he returns. And the way of the imam to know who is fit for fatwa is to ask scholars of his time, and approve the news of the trusted ones.

And accordingly, the one who has extended his hand must set up the stone market in fatwas for those who are acting like scholars, because the stone is for the reclamation of religions and it is better than the stone to reclaim the bodies and money, and if the ruler does not put a fatwa on it, then he will hear a drum for it, and only the one who is qualified for it will be able to give knowledge.⁵

One of the things that should be noted when we are calling for such treatment is what Professor Fahmi Howeidi mentioned in one of the conferences that the accountability he intends does not necessarily mean transferring to military courts or imposing a punishment on the jurist or the mufti, but plus that, there is no objection to the existence of institutions that do something similar to raising attention. And it is not necessary for these institutions to be official, but the jurisprudential councils can do this, and I am specifically against the policy of terrorism and intellectual oppression, and with the policy of education and discipline.⁶

And in a letter addressed by the Mufti of the Kingdom of Saudi Arabia, Sheikh Muhammad bin Ibrahim Al Al-Sheikh to the Minister of Education, in which he said: "... and that the person mentioned is impersonating fatwas that are likely and contradict what the fatwa has been used

³ See (A study of the Fatwa and Sharia Supervisory Commissions in fact and an evaluation) for Dr. Ibrahim Abd al-Latif al-Ubaidi, the second topic: the concept of Sharia banking supervision, its adaptation and its evidence. (p. 18).

⁴ Sultani Rulings (p. 361)

⁵ (Learning and its impact on thought and the book) by Sheikh Bakr Abu Zaid (p. 54).

⁶ This was mentioned in the conference on the methodology of fatwas in an open world in Kuwait, which was held under the title Globalization of Fatwa.

for in the Kingdom, and that he belongs to the Dhahriya doctrine. So please take what you see as a guarantor to remove him, especially since he is undertaking a dangerous mission that has ill effects on the human nature of students.

Egypt intends to issue a new fatwa law. Al-Azhar Sheikdom submitted a proposal to the Egyptian Parliament to demand the issuance of legislation criminalizing fatwa from non-specialists and punishing its advocates, as the representative of Al-Azhar announced that the fatwa is in place of the Egyptian House of Fatwa or the Fatwa Committee of Al-Azhar, otherwise it is not legally taken.

Implementation of the Fatwa Specialization System

This is Umar ibn al-Khattab, may God be pleased with him, he sermoned the people and said: "Whoever wants to ask about the Qur'an, go to Abi bin Ka'b, and whoever wants to ask about the obligatory duties, go to Zayd bin Thabt, and whoever wants to ask about jurisprudence, go to Mu'adh bin Jabal, and whoever wants to ask about money, come to me, as Allah Almighty made me a treasurer and a division for it".

Sharia sciences are many, and it is known that the implementation of the specialization system is more proficient and more deserving to reduce errors at that time, and scholars are not the same, some of them specialized in inheritance, some of them in sales, and some of them in worship.

- Restricting fatwas to some muftis in some places and occasions.

Al-Dhahabi mentioned in the translation of Ataa ibn Abi Rabah that the Umayyads used to order during the Hajj a caller who shouted: People do not issue fatwas except 'Ataa bin Abi Rabah, and if it was not 'Ataa, then Abdullah bin Abi Najih.⁷

And Muhammad bin Mukhled al-Marwazi narrated on the authority of Ibn Wahb who said: I heard a caller calling in Medina: No one gives fatwas to people except Malik bin Anas and Ibn Abi Deeb.

- Enabling muftis to practice fatwas on channels and radio stations.

These matters are generally valid under the authority of the rulers and the empowerment of scholars in channels and radio eliminates a large proportion of the chaos of fatwas, as people are closely related to the media, rather they generally trust in whoever holds the position of fatwa in the channels and is approved by the official authorities.

- To oblige the official authorities to refer to the official fatwa authority in issuing fatwas.

The UAE has done this by requiring all official authorities to request a fatwa from the official authority to issue fatwas in the country. And accordingly, the legal legislation often passes the official fatwa authorities in

taking the legal opinion, and this is how the matter applies to the courts in the implementation of major cases of retribution and legal limits, they rely on the fatwa side in presenting the court's ruling to express the Shari'a opinion with approval or disapproval.

- Supporting the scientific aspect of the fatwa by providing the scientific libraries needed by the muftis.

This kind of support is necessary for muftis in the midst of an urgent need for Sharia books, and to keep abreast of jurisprudential developments, scientific research and journals.

The Ruler of the Emirate of Sharjah has thankfully issued an order to establish a scientific library in all the mosques of the Emirate, so that the Imam, Muezzin (crier for pray) and researchers can benefit from Islamic books.

- The state holds jurisprudential scientific conferences and seminars that keep pace with jurisprudential developments.

The Islamic Fiqh Councils hold these jurisprudential conferences to discuss jurisprudential developments with the participation of specialists in that, and among the last of these conferences is the International Islamic Fiqh Academy Conference, which was held in the Emirate of Dubai at its twenty-fourth session in 2019, with the generous hosting and patronage of the ruler of the emirate.

The tasks of the Fiqh Councils and the role of fatwas

The presence of the Fiqh Councils and the role of fatwas, and carrying out the required role, and the continuous interaction with community issues, which reduces the phenomenon of the chaos of fatwas and controls the fatwa process, but this can only be done by taking the following steps:

Establish the houses of Fatwas

There is no doubt that these houses resolves a lot of anarchy in fatwas, so people turn to it, exposing the unknown in fatwas.

In this era, the Egyptian House of Ifta was established in Jumada al-Thani 1313 AH during the reign of Sheikh Hassouna al-Nawawi, Sheikh of Al-Azhar Mosque, to be the first house of fatwas in the Arab and Islamic world in the modern era.

In Jordan, the fatwa order was organized in 1921, and there was a general mufti of the kingdom, and two local muftis, and a committee for collective fatwa was established in 1973.

Likewise, in Lebanon, the legislative decree of 1955 AD specified the legal status of the Mufti, how to be elected and appointed, and the extent of the powers he has, as well as the number of his assistants and their powers.

⁷The Great History (6/463) Refinement of the refinement (7/181).

In Malaysia, the Fatwa Committee was established in 1986, and it is affiliated with the central government.⁸

In the United Arab Emirates, the official Fatwa Center of the General Authority for Islamic Affairs and Endowments was inaugurated in 2008, with the generous initiative of Sheikh Saif bin Zayed, and the center receives daily telephone fatwas from 1,200-1,300 fatwas.

And the official fatwa houses have acceptance and reassurance from the people, as its scientific fame and legitimate effort are clear to the people, and what guarantees its continuity is that it is under the umbrella of the state, and is supported by money and the media.

Establishing Fiqh Councils

The prominent role and praiseworthy effect of the Fiqh Conference in developing fatwas, and finding legal solutions to contemporary economic, medical and social calamities, is undeniable and unchallenged, except that its negative side is taken against it, which can be summarized through introspection and follow-up.

Among the jurisprudential councils in the world:

- Al-Azhar Islamic Research Complex, Cairo.
- The Islamic Fiqh Academy of the Muslim World League in Makkah Al-Mukarramah.
- The Islamic Fiqh Academy of the Organization of the Islamic Conference, Jeddah.
- The Islamic Fiqh Academy in Sudan.
- Islamic Fiqh Academy in India.
- The Council of Senior Scholars in the Kingdom of Saudi Arabia.
- The Permanent Committee for Academic Research and Issuing Fatwas in the Kingdom of Saudi Arabia.
- Association of Moroccan Scholars.
- The Fatwa and Sharia Research Sector in Kuwait.
- Fatwas of the Egyptian Ifta House.
- Academy of Islamic Jurists in America.
- The International Sharia Board for Zakat in Kuwait.⁹
- Emirates Fatwa Council.
- Dubai Council of Senior Scholars.

On 11/21/2019, the Department of Islamic Affairs and Charitable Activities in Dubai issued a decision to form a temporary working group called the "Study Group and Establishment of the Collective of Jurists and Experts".

In order to benefit from the Fiqh Councils and their scientific efforts, the following is suggested:

- Publish the decisions of the jurisprudential councils, especially among students to understand the efforts of the jurisprudence councils.
- Renewal of the jurisprudence councils by adding new members with scientific competencies.

- Postgraduate students are required - specifically - to attend the sessions of the Fiqh Academy as a mandatory academic requirement.
- Establishing a continuous charitable endowment that supports the projects of the Fiqh Councils and ensures their continuity.
- Holding conferences dealing with the problem of the chaos of fatwas, presenting new issues for study and issuing fatwas therein.

The administrators of the Islamic Fiqh Council of the Muslim World League realized the seriousness of the situation, so they held a conference to address the problem of the fatwa's laxity before its danger increased in one of its sessions. Sheikh Ali Jumaa said, in a statement, on the sidelines of his participation in the work of the twentieth session of the International Islamic Fiqh Academy conference, that it is necessary to fight this phenomenon so that it does not result in negative repercussions on the lives of Muslims and their public affairs, through the spread of wrong fatwas".

The holding of conferences dealing with the problem of the chaos of fatwas draws the attention of scholars and muftis to the importance of addressing this matter, and redressing practical application errors in issuing some fatwas.

In addition to conferences that discuss emerging issues for presentation and discussion, and then issuing collective fatwas therein.

⁸(The contemporary fatwa is what it has and what it owes) by Dr.: Muhammad Yusri, First Edition 1429 AH, 2008 CE, (p. 13-14).

⁹The contemporary fatwa is what it has and what it owes, (34-35).