

ومن كلام له (عليه السلام)

From one of his statements

في ذمّ اختلاف العلماء في الفتيا

about disparagement of the differences of view among the theologians.

وفيه يذم أهل الرأي ويكل أمر الحكم في أمور الدين للقرآن

[ذم أهل الرأي:] ترد على أحدهم القضية في حكم من الأحكام فيحكم فيها برأيه، ثم ترد تلك القضية بعينها على غيره فيحكم فيها بخلاف [في بعض النسخ: بخلاف قوله]، ثم يجتمع القضية بذلك عند الإمام [في بعض النسخ: إمامهم] الذي استقضاهم، فيصوب آراءهم جميعا، وإلهمم واحدا، ونبيهم واحدا، وكتابهم واحدا.

When [1] a problem is put before anyone of them he passes judgement on it from his analogy. When exactly the same problem is placed before another of them he passes an opposite verdict. Then these judges go to the chief who had appointed them and he confirms all the verdicts, although their Allāh is One (and the same), their Prophet is one (and the same), their Book (the Qur'ān) is one (and the same).

أفأمرهم الله سبحانه [في بعض النسخ: الله تعالى] بالاختلاف فأطاعوه! أم نهاهم عنه فعصوه!

Is it that Allāh ordered them to differ and they obeyed Him? Or He prohibited them from it but they disobeyed Him?

[الحكم للقرآن:] أم أنزل الله [في بعض النسخ: الله سبحانه] ديننا ناقصا فاستعان بهم على إتمامه! أم كانوا شركاء له فلهم أن يقولوا وعليه أن يرضى! أم أنزل الله سبحانه ديننا تاما فقصر الرسول (صلى الله عليه وآله) عن تبليغه وأدائه، والله سبحانه يقول: ﴿ما فرطنا في الكتاب من شيء﴾ وفيه تبيان لكل شيء، وذكر أن الكتاب يصدق بعضه بعضا، وأذنه لا اختلاف فيه، فقال سبحانه: ﴿ولو كان من عند غير الله لوجدوا فيه اختلافا كثيرا﴾

Or (is it that) Allāh sent an incomplete Faith and sought their help to complete it? Or they are His partners in the affairs, so that it is their share of duty to pronounce and He has to agree? Or is it that Allāh the Glorified sent a perfect faith but the Prophet fell short of conveying it and handing it over (to the people)? The fact is that Allāh the Glorified says : “... We have not neglected anything in the Book (Qur'ān) ...” (Qur'ān, 6:38) and in it is a ‘clarification of everything’ [2] And says that one part of the Qur'ān verifies another part and that there is no divergence in it as He says : “... And if it had been from any other than Allāh, they would surely have found in it

much discrepancy.” (Qur’ān, 4:82)

وَإِنَّ الْقُرْآنَ ظَاهِرُهُ أُنِيقٌ وَبَاطِنُهُ عَمِيقٌ، لَا تَفْنَى عَجَائِبُهُ، وَلَا تَنْقُضِي غَرَائِبُهُ، وَلَا تُكْشِفُ الظُّلُمَاتُ إِلَّا بِهِ.

Certainly the outside of the Qur’ān is wonderful and its inside is deep (in meaning). Its wonders will never disappear, its amazements will never pass away and its intricacies cannot be cleared except through itself.

Notes:

[1] It is a disputed problem that where there is no clear argument about a matter in the religious law, whether there does in reality exist an order about it or not.

The view adopted by Abū al-Ḥasan al-Ash‘arī and his master Abū ‘Alī al-Jubbā‘ī is that in such a case Allāh has not ordained any particular course of action; but He assigned the task of finding it out and passing a verdict to the jurists, so that whatever they hold as prohibited would be deemed prohibited and whatever they regard permissible would be deemed permissible. And if one has one view and the other another, then as many verdicts will exist as there are opinions, and each of those opinions will represent the real final order. For example, if one scholar holds that nabīdh (barley malt) is prohibited and another jurist’s view is that it is permissible, then it would really be both prohibited and permissible. That is, for one who holds it prohibited, its use would be prohibited; while for the other its use would be permissible. About this (theory of) correctness, Muḥammad ibn ‘Abd al-Karīm ash-Shahrastānī writes: A group of theorists holds that in matters subject to ijtihād there exists no predetermined ruling from Allāh regarding permissibility or prohibition, lawfulness or unlawfulness. Rather, the ruling of Allāh is whatever the ijtihād of the mujtahid leads to, because the establishment of the ruling itself depends upon its being determined through the opinion of a mujtahid. If this were not so, then no ruling could be established at all ... And according to this doctrine, every mujtahid would be correct in his opinion. (al-Milal wa al-Niḥal, p. 98)

In this case, the mujtahid is taken to be above mistake because a mistake can be deemed to occur where a step is taken against reality, but where there is no fixed reality of ruling, mistake has no meaning.

Besides this, the mujtahid can also be considered above mistake if it is held that Allāh, being aware beforehand of all the views that the mujtahids were going to adopt, had already established as many rulings, as a result of which every opinion

corresponds to some real ruling.

Or it may be held that Allāh has undertaken not to allow the opinions of the mujtahids to go beyond those predetermined rulings.

Or that by mere coincidence the opinion of every one of them would, after all, correspond to one or another of those rulings.

The Imāmiyyah sect, however, has a different theory, namely that Allāh has neither granted anyone the right to legislate, nor subjected any matter to the opinion of the mujtahid, nor in case of difference of opinions established numerous real rulings for one and the same thing. Of course, if the mujtahid cannot arrive at the real ruling, then whatever opinion he adopts after investigation and inquiry suffices for him and for his followers to act upon. However, such a ruling has only the status of an apparent ruling (ḥukm ḡāhirī), which is a substitute for the real ruling. In this case, he is excused for missing the real ruling, because he spared no effort in diving into that shoreless ocean and trying to reach its depths. But what can he do if, instead of pearls, only empty shells come into his hands? Yet he does not say that observers should accept them as pearls or that they should be sold at the price of pearls. It is another matter that the One Who appraises efforts may assign them half their value so that his labour may not go waste and his courage may not be broken.

If the doctrine of taṣwīb is accepted, then every fatwā and every opinion shall have to be accepted as correct, as Maybudī has written in Fawātiḥ: In this matter the doctrine of al-Ash'arī is correct; therefore contradictory schools of thought may all be true. Beware! Do not entertain ill opinion regarding the scholars and do not open your tongue in criticism of them.

When contradictory theories and divergent fatāwā are accepted as correct, it is strange why the actions of some prominent individuals are explained as errors of ijtihād, since error in ijtihād by a mujtahid cannot even be imagined. If the doctrine of taṣwīb is correct, then the actions of Mu'āwiyah and 'Ā'ishah should also be deemed correct; but if their actions can be considered wrong, then it must be admitted that ijtihād can also err, and that the doctrine of taṣwīb is false. It will then remain to be decided in its proper place whether feminism did not obstruct the judgement of 'Ā'ishah, or whether it was the ijtihād of Mu'āwiyah, or something else. However, this doctrine of taṣwīb was invented in order to conceal mistakes and to cast the veil of Divine command over errors, so that no obstacle might arise in achieving objectives, nor anyone be able to raise a voice against any misdeeds.

In this sermon Amīr al-Mu'minīn has referred to those people who deviate from the path of Allāh and, closing their eyes to the light of Divine revelation, grope in the darkness of analogy and opinion, make Faith the victim of their ideas and opinions, pronounce new findings, pass orders by their own analogy and produce divergent results. Then, on the basis of taṣwīb, they regard all these divergent and contrary orders as from Allāh, as though each of their order represents divine Revelation, so that no order of theirs can be wrong, nor can they stumble on any occasion. Thus, Amīr al-Mu'minīn says in disproving this view that:

1) When Allāh is One, the Book (Qur'ān) is one, and Prophet is one then the religion (that is followed) should also be one. And when the religion is one how can there be divergent and contradictory rulings regarding one and the same thing? Because there can be divergence in an order only in case he who passed the order has forgotten it, or is oblivious, or senselessness overtakes him, or he wilfully desires entanglement in these labyrinths, while Allāh and the Prophet are above these things. These divergences cannot therefore be attributed to them. These divergences are rather the outcome of the thinking and opinions of people who are bent on twisting the delineations of religion by their own imaginative performances.

2) Allāh must have either forbidden these divergences or ordered creating them. If He has ordered in their favour, where is that order and at what place? As for forbidding, the Qur'ān says: "... Say thou! 'Hath Allāh permitted you or ye forge a lie against Allāh?'" (10:59)

That is, everything that is not in accordance with the Divine orders is a concoction, and concoction is forbidden and prohibited. For concocters, in the next world, there is neither success or achievement nor prosperity and good. Thus, Allāh says: "And utter ye not whatever lie describe your tongues (saying): This is lawful and this is forbidden, to forge a lie against Allāh; verily, those who forge a lie against Allāh succeed not." (Qur'ān, 16:116)

3) If Allāh has left religion incomplete, then the reason for leaving it halfway was that He desired that the people should assist Him in completing the religious code and share with Him in the task of legislating, then this belief is obviously polytheism. If He sent down the religion in complete form, then the Prophet must have failed in conveying it so that room was left for others to apply analogy and opinion. This, Allāh forbid, would mean a weakness of the Prophet and a bad slur on the selection of Allāh.

4) Allāh has said in the Qur'ān that He has not left out anything in the Book and has

clarified each and every matter. Now, if an order is carved out in conflict with the Qur'ān a would be outside the religious code and its basis would not be on knowledge and perception, or Qur'ān and sunnah, but it would be personal opinion and one's personal judgement which cannot be deemed to have accord with religion and faith.

5) Qur'ān is the basis and source of religion and the fountain head of the laws of shari'āh. If the laws of shari'āh were divergent there should have been divergence in it also, and if there were divergences in it, it could not be regarded as Divine word. When it is Divine word the laws of shari'āh cannot be divergent, so as to accept all divergent and contrary views as correct and imaginative verdicts taken as Qur'ānic dictates.

[2] ref: 16:89.