

ومن كلام له (عليه السلام) في ذم اختلاف العلماء في الفتيا [وفيه يذم أهل الرأي ويكل أمر الحكم في أمور الدين للقرآن]

Amīr al-mu'minīn said in disparagement of the differences of view among the theologians.

تَرِدُّ عَلَيَّ أَحَدَهُمُ الْقَضِيَّةُ فِي حُكْمٍ مِنَ الْأَحْكَامِ فَيَحْكُمُ فِيهَا بِرَأْيِهِ، ثُمَّ تَرِدُّ تِلْكَ الْقَضِيَّةُ بِعَيْنِهَا عَلَيَّ غَيْرِهِ فَيَحْكُمُ فِيهَا بِخِلَافِ قَوْلِهِ، ثُمَّ يَجْتَمِعُ الْقَضَاءُ بِذَلِكَ عِنْدَ إِمَامِهِمُ الَّذِي اسْتَقْضَاهُمْ فَيَصُوبُ آرَاءَهُمْ جَمِيعًا، وَإِلَهُمُ وَاحِدٌ! وَنَبِيُّهُمْ وَاحِدٌ! وَكِتَابُهُمْ وَاحِدٌ!

When [1] a problem is put before anyone of them he passes judgement on it from his imagination. 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'an) is one (and the same).

أَفَأَمَرَهُمُ اللَّهُ - سُبْحَانَهُ - بِالْاِخْتِلَافِ فَأَطَاعُوهُ! أَمْ نَهَاَهُمْ عَنْهُ فَعَصَوْهُ! أَمْ أَنْزَلَ اللَّهُ سُبْحَانَهُ دِينًا نَاقِصًا فَاسْتَعَانَ بِهِمْ عَلَيَّ إِيْمَانَهُ! أَمْ كَانُوا شُرَكَاءَ لَهُ فَلَهُمْ أَنْ يَقُولُوا وَعَلَيْهِ أَنْ يَرْضَى؟ أَمْ أَنْزَلَ اللَّهُ سُبْحَانَهُ دِينًا تَامًا فَقَصَرَ الرَّسُولُ (صَلَّى اللَّهُ عَلَيْهِ وَآلِهِ) عَنْ تَبْلِيغِهِ وَأَدَاءِهِ؟ وَاللَّهُ سُبْحَانَهُ يَقُولُ: ﴿مِمَّا فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ﴾ وفيه تبيان لكل شيء، وذكر أن الكتاب يصدق بعضه بعضًا، وأنه لا اختلاف فيه، فقال سُبْحَانَهُ: ﴿وَلَوْ كَانَ مِنْ عِنْدِ غَيْرِ اللَّهِ لَوَجَدُوا فِيهِ اخْتِلَافًا كَثِيرًا﴾

Is it that Allāh ordered them to differ and they obeyed Him? Or He prohibited them from it but they disobeyed Him? Or He prohibited them from it but they disobeyed Him? 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 تَقْضِي غَرَائِبُهُ، وَلَا تَكْشِفُ 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.

Footnote :

[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 Abu'l-Hasan al-Ash'ari and his master Abu 'Ali al-Jubbā'i 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 views and each of them would represent the final order. For example, if one scholar holds that 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 'Abdī'l-Karīm ash-Shahrastānī writes : A group of theorists hold that in matters where ijtihād (research) is applied there is no settled view about permissibility or otherwise and lawfulness and prohibition thereof, but whatever the mujtahid (the researcher scholar) holds is the order of Allāh, because the ascertainment of the view of Allāh depends upon the verdict of the mujtahid. If it is not so there will be no verdict at all. And according to this view every mujtahid would be correct in his opinion. (al-Milal wa'n-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 reality of verdict, mistake has no sense. Besides this, the mujtahid can be considered to be above mistake if it is held that Allāh, being aware of all the views that were likely to be adopted has ordained as many final orders as a result of which every view corresponds to some such order, or that Allāh has assured that the views adopted by the mujtahids should not go beyond what He has ordained, or that by chance the view of every one of them would, after all, correspond to some ordained order or other.

The Imāmiyyah sect, however, has different theory, namely that Allāh has neither assigned to anyone the right to legislate nor subjected any matter to the view of the mujtahid, nor in case of difference of views has He ordained numerous real orders. Of course, if the mujtahid cannot arrive at a real order then whatever view he takes after research and probe, it is enough for him and his followers to act by it. Such an order is the apparent order which is a substitute for the real order. In this case, he is excused for missing the real order, because he did his best for diving in the deep ocean and to explore its bottom, but it is a pity that instead of pearls he got only the

sea-shell. He does not say that observers should accept it as a pearl or it should sell as such. It is a different matter that Allāh Who watches the endeavours may price it at half so that the endeavour does not go waste, nor his passion discouraged.

If the theory of correctness is adopted then every verdict on law and every opinion shall have to be accepted as correct as Maybudi has written in Fawātih : In this matter the view adopted by al-Ash'āri is right. It follows that differing opinions should all be right. Beware, do not bear a bad idea about jurists and do not open your tongue to abuse them.

When contrary theories and divergent views are accepted as correct it is strange why the action of some conspicuous individuals are explained as mistakes of decision, since mistake of decision by the mujtahid cannot be imagined at all. If the theory of correctness is right the action of Mu'āwiyah and 'Ā'ishah should be deemed right; but if their actions can be deemed to be wrong then we should agree that ijtiḥād can also go wrong, and that the theory of correctness is wrong. It will then remain to be decided in its own context whether feminism did not impede the decision of 'Ā'ishah or whether it was a (wrong) finding of Mu'āwiyah or something else. However, this theory of correctness was propounded in order to cover mistakes and to give them the garb of Allāh's orders so that there should be no impediment in achieving objectives or should anyone be able to speak 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 light, grope in the darkness of imagination, make Faith the victim of their views and opinions, pronounce new findings, pass orders by their own imagination and produce divergent results. Then on the basis of the theory of correctness 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, 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 orders about any matter, 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 and 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 the Prophet must have failed in conveying it so that room was left for others to apply imagination 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.