

Fatwas about Unity: Contemporary ‘Ulama of the Islamic World

Abstract

There is no doubt that the Muslim ummah is inflicted with sectarian division and strife. Many Muslims have fallen victim to parochial ideologies that limit Islam to one particular point of view, while discounting the legitimacy of any other. The following piece attempts to counter such insular views by bringing out the verdicts and opinions of many prominent Sunni and Shia personalities regarding the *madhahib* (schools of thought) in Islam. Many of these prominent scholars affirm the validity of the various *madhahib* and attest to their falling within the boundaries of Islam. The paper concludes with the views of these scholars regarding congregational prayers led by individuals of differing schools of thought.

Keywords: Islamic schools of thought, ‘ulama, Hanafi, Shafi’i, Maliki, Hanbali, Ja’fari, Zaydi, Ibadhi, Tahiri, takfir, fiqh, taqlid, congregational prayers.

Part 1: Verdicts Pertaining to the Validity of the Islamic Schools of Thought

According to Shaykh ‘Ali Jum’ah:

There are groups out there who are working hard to strain the relations between the Shia and the Sunni and to break the unity between the Muslims so that, in so doing, they can achieve their own goals. For this reason, with the issuance of my verdict, I am declaring permissible the worship according to the Shia *fiqh*.

We must admit that the Shias, in the present state, are quite advanced. For this reason, we can work together with them because so long as the Shias and the Sunnis have one *qiblah* (orientation for prayer), there is no difference between them. From the beginning of our history, the Shias have always been an

inseparable part of the Islamic ummah.

The followers of the Shia school of thought are remarkably advanced, but there are a few individuals who, with the intention of creating differences, make their (i.e. Shia) books out to be outdated, and by doing so bring out certain emotionally-charged and divisive topics.

Some political organizations, which are supported and backed by the Wahhabis, are mustering all their forces into hampering the relations between the Shia and Sunni schools of thought.

According to Shaykh Muhammad Sayyed Tantawi:

Question: Is it permissible to include an Islamic school of thought—other than the Ahl al-Sunnah schools of thought—as one affiliated to true Islam? In other words, if someone follows one of the Islamic schools of thought—whether they be of the four that belong to the Ahl al-Sunnah or whether they be one of the Tahiri, the Ja'fari, the Zaydi and the Ibadhi—and acts according to their own *ahkam* (laws), can they be considered Muslim?

Answer: True Islam—as it has come to us through the hadith of Jibra'il (Gabriel) found in the *Sahihayn* (i.e. Sahih Bukhari and Sahih Muslim)—has been elaborated by the Holy Prophet (S) of Islam in this way: “A Muslim is one who bears witness to La ilaha illa Allah (There is no God but Allah) and *Muhammad ar-Rasul Allah* (Muhammad is the messenger of Allah), establishes the prayer, pays the *zakah* (alms tax), fasts in the month of Ramadhan and performs the hajj if he can afford it.”

Also, in the *Sahihayn*, it has been narrated from 'Abdullah ibn 'Umar that the Holy Prophet (S) stated: “Islam has been founded on five pillars: testifying that there is no God but Allah and that Muhammad (S) is his messenger, establishing the prayer, performing the *zakah*, the hajj and the fasting of Ramadhan.”

Thus, every human being—male or female—who testifies to the oneness of Allah (SWT) and the messenger-ship of His Prophet (S), who confesses to the pillars of Islam and who does not reject any of its essential principles, is a Muslim. Based on what we know, and from what is apparent in their teachings, the followers of the above-mentioned schools of thought bear witness to the oneness of Allah (SWT) and to the messenger of the noble Prophet (S), they accept the five pillars of Islam, and they act according to them. If there are differences between these schools of thought regarding how to carry out the pillars of the faith, such differences relate back to the subsidiary laws and not the principles. For this reason, we cannot judge the followers of the above-mentioned schools of thought as non-Muslim.

Moreover, Islam has instructed its followers to judge people based on what is apparent in them, for it is only Allah (SWT) Who knows their inner being. In a noble hadith, it has been narrated by the Prophet (S), “*I have been instructed to judge people from what is evident about them, and as for their secrets Allah (SWT) knows them.*”

I am inclined to add that in the Faculty of Religious Sciences at the Al-Azhar University, all these

schools of thought are being taught, and their differences are being discussed—with the premise that these differences, as has been previously mentioned, are legitimate ones since they relate to the subsidiary aspects and not the principles.

Question: What are the boundaries of takfir (pronouncing kufr or apostacy on someone) in our times? Is it permissible for a Muslim to do takfir on someone who follows the *fiqh* (jurisprudence) of one of the traditional Islamic schools of thought?

Answer: Takfir, in the sense of pronouncing kufr on an individual, is not permissible except if that individual has denied that which Islam has brought such as the necessity of sincere worship for Allah (SWT) and the belief in the angels, the heavenly books, the prophets and the Day of Judgement. This is in accordance to what Allah (SWT) says in the Qur'an:

آمَنَ الرَّسُولُ بِمَا أُنزِلَ إِلَيْهِ مِنْ رَبِّهِ وَالْمُؤْمِنُونَ ﴿٥﴾ كُلُّ آمَنَ بِاللَّهِ وَمَلَائِكَتِهِ وَكُتُبِهِ وَرُسُلِهِ لَا نُفَرِّقُ بَيْنَ أَحَدٍ مِنْ رُسُلِهِ

The apostle believes in what has been revealed to him from his Lord, and (so do) the believers; they all believe in Allah and His angels and His books and His apostle. “We make no difference between any of His apostles.” 2:285

Another verse reads:

إِنَّ الَّذِينَ يَكْفُرُونَ بِاللَّهِ وَرُسُلِهِ وَيُرِيدُونَ أَنْ يُفَرِّقُوا بَيْنَ اللَّهِ وَرُسُلِهِ وَيَقُولُونَ نُؤْمِنُ بِبَعْضٍ وَنَكْفُرُ بِبَعْضٍ وَيُرِيدُونَ أَنْ يَتَّخِذُوا بَيْنَ ذَلِكَ سَبِيلًا ﴿٤٠﴾ أُولَئِكَ هُمُ الْكَافِرُونَ حَقًّا ﴿٤١﴾ وَأَعَدْنَا لِلْكَافِرِينَ عَذَابًا مُهِينًا

Surely those who disbelieve in Allah and His apostles and (those who) desire to make a distinction between Allah and His apostles and say, “We believe in some and disbelieve in others,” and desire to take a course between (this and) that, these it is that are truly unbelievers. We have prepared for the unbelievers a disgraceful chastisement. 4: 150

It is not permissible for anyone to associate kufr to any of these Islamic schools of thought. All these schools of thought are of the same view when it comes to the necessity of worshiping Allah sincerely and of the belief in the angels, the books, the prophets and the Day of Judgement. Moreover, they agree on the necessity of carrying out the acts of worship that Allah (SWT) has commanded us to perform such as the Salah, the *zakah*, the fast and the hajj for those who are able, as well as the necessity of adorning oneself with ethical virtues such as truthfulness, trustworthiness, chastity, enjoining the good and prohibiting the evil.

The Holy Prophet (S) has emphatically warned against proclaiming kufr on other Muslims. It has been narrated through Ibn 'Umar in the *Sahihayn*, “Each time a man calls his brother ‘infidel,’ one of the two of them will become that. If this label is accurate, then the one who is called it will suffer the punishment;

but if it is not accurate, then the label will return to the one who gave it.” Also, it has been narrated through ‘Abd Allah ibn Mas’ud in the *Sahihayn*, “Vilifying a Muslim is sinful and killing a Muslim is kufr.” And finally, in the *Sahihayn*, Abu Dhar has narrated, “Any person who associates infidelity to another man or calls him ‘the enemy of God,’ and if this is not the case, this association will return back to him.”

According to the late Shaykh Ahmad Kaftaru:

Question: Are the Zaydi, Ja’fari and Ibadhi acceptable schools of thought in Islam, and if so, on what basis?

Answer: If we limit the *fiqh* to the Quran and the Sunnah, we have not given Islam its due nor have we accounted for the support that it shows to the changes that occur in the lives of the Muslims. In so doing, we have constrained the broad vision of Islam and lowered its goals in such a way that it can no longer respond to the questions raised by man in his various life circumstances.

The truth, however, is that the pleasure of Allah (SWT) lies in finding that which is advantageous; hence, the jurisprudential schools of thought have developed to accomplish and fulfill that which is best for the community. Moreover, even though the point of contention between the various schools of thought pertains to the subsidiary jurisprudential matters, all these schools are developing within the parameters of the essential and unchanging principles of religion.

The above-mentioned jurisprudential differences in the subsidiary matters have no goal other than to make life easier for the people, to remove difficulties and to bring them tranquility. For this reason, following any of the schools of thought is permissible even if it leads to a type of eclecticism when circumstances dictate it, such as in times of need or weakness or some other occasion. In fact, according to the Maliki and a group from the Hanafis—which is a correct view in our opinion—such a type of eclecticism is permissible. Thus, it is permissible to choose verdicts from the schools of thought which are the easiest to follow or to search for “religious liberties” in cases where it becomes necessary or there is a greater advantage. The principle behind this is that Islam is meant to be an easy religion and not a difficult one.

Allah (SWT) says,

يُرِيدُ اللَّهُ لِيَجْعَلَ عَلَيْكُمْ مِنْ حَرَجٍ

Allah intends for You ease, and He does not want to make things difficult for you. 5:6

For this reason, in our opinion, the Zaydi school of thought is a valid school like the other Islamic schools of thought. One comes to this conclusion, particularly when ones reads their chief encyclopedic book, *al-Bahr al-Zakhkhar al-Jami’ li Madhahib ‘Ulama’ al-Amsar* (The Comprehensive Abounding Sea for the Schools of Thought of the Great Scholars) by Imam Yahya ibn Murtadha. Apart from it comprising

contemporary jurisprudential matters, one finds that its jurisprudence is very similar to that of the Ahl al-Sunnah, and the points of difference are not only known but also limited such as the impermissibility of performing the mash (wiping) on the shoes, the prohibition of consuming meat slaughtered by non-Muslims, and other such subsidiary matters.

The same can be said for the jurisprudence of the Imamiyyah (Shia) school, whose jurisprudence is closest to that of the Shafi'i. In fact, in the common practices, other than approximately seventeen differences, their jurisprudence is quite close to that of the Ahl al-Sunnah.

As for the Ibadhi school, they are the closest school to most Muslims in terms of their thoughts and beliefs. Moreover, their sources of jurisprudence include the Quran, the Sunnah, *Ijmah* (consensus) and *Qiyas* (deduction).

It is pertinent for us not to be dismayed regarding these secondary jurisprudential differences since the religion, the law and the truth are one; they are not different. Moreover, the source of the laws is the same in all the schools of thought, and that is revelation. The idea that the differences of the schools of thought, which pertain to the realm of jurisprudence, should lead to struggle and armed conflict between the followers of those schools has never been heard of before. The reason for this is because such differences are subsidiary and are traced back to the *ijtihadat* of knowledge, jurisprudence, and civil matters. Each jurist is rewarded in his attempt to derive laws based on his own intellectual efforts, just as the Holy Prophet (S) has said, *“Each time a jurist derives a law and reaches the truth, he is compensated twice; and if he makes a mistake in his law, then he is compensated once.”*

Hence, any speech [about the schools of thought] which is outside of the above-mentioned parameters of Islam is not permitted. Moreover, all the schools of thought are Islamic, and their jurisprudence is respected and must be safeguarded from objection.

According to Shaykh al-Akbar Mahmud Shaltut:

Question: Some individuals state that the worship and transactions of a Muslim is only correct if he belongs to one of the four known schools of thought, and this does not include the Shia Imamiyyah or the Zaydi schools of thought. What is your opinion regarding this matter?

Answer: Certainly, Islam does not require a Muslim to follow any one school of thought. Rather, it says that every Muslim, from the outset, has the right to follow one of the schools of thought which has been correctly narrated, and its verdicts have been compiled in books. Moreover, every follower of any of these schools of thought is permitted to follow another school without there being any sin on him for doing so.

As for the Ja'fari school of thought, which is also known as Shia Imamiyyah Ithna-Ashari (The Twelver Imami Shias), it is permissible to follow it just as one would follow the other Sunni schools of thought.

Muslims must know this matter and must refrain from unjust prejudice to any school of thought. The religion of Allah and the Islamic shari'ah was never restricted to a school of thought. Hence all jurists, as well as their actions, will be accepted by Allah (SWT), and anyone who is not an expert or jurist, can follow a jurist and act according to their jurisprudential views. In this matter, there is no difference between the laws pertaining to worship and the laws pertaining to transactions.

According to Ayatollah al-'Uzma Khamenei:

Question: Considering the various compelling reasons to necessitate unity amongst the Muslims, what is the opinion of your Excellency regarding including the followers of the various Islamic schools of thought—such as the four-fold schools of the Ahl al-Sunnah, the Zaydi, Tahri, Ibadhi and others who believe in the clear principles of religion—within the Islamic Ummah? Is it permissible to ascribe kufr to the above-mentioned schools or not? Moreover, what are the limits of takfir during our day and age?

Answer: All the Islamic schools of thought are included in the Islamic Ummah and have access to all of the advantageous granted by Islam. Moreover, the schisms amongst the Muslim parties, are not only contrary to the teachings of the Noble Quran and the Sunnah of the Holy Prophet of Islam (S), but they also lead to the weakening of the Muslims and to the handing over of their affairs to the enemies of Islam. Hence, such divisions are not permitted for any reason.

According to Ayatollah Seyyed 'Ali Sistani:

Question: Can we consider as Muslim anyone who pronounces the *Shahadatayn* (the two-fold testimonies of faith), performs his prayer facing the *qiblah*, and follows one of the eightfold Islamic schools of thought which include the Hanafi, Shafi'i, Maliki, Hanbali, Ja'fari, Zaydi, Ibadhi and Tahiri? Also, as for his blood, dignity and property, are they to be respected?

Answer: Anyone who pronounces the *Shahadatayn* and does not outwardly perform any act contrary to it, and moreover, does not have enmity to the Ahlul Bayt ('a) is a Muslim.

Question: Is it permissible for someone who does not have the capacity or qualifications that the scholars have enumerated, to be in charge of issuing fatwa (verdicts)?

Answer: The issuance of fatwa is only permitted by an actual jurist who has all the *taqlidi* conditions that have been mentioned in the explanatory texts on religious injunctions.

According to Ayatollah Seyyed Fadhl Allah:

Islam, with all the theological necessities that are found in the Noble Quran, can be summarized in the *shahadatayn*. Every individual who accepts the *shahadatayn* is a Muslim. He is entitled to all of the rights that is due on any Muslim, and he is obliged to perform all the Muslim duties. Moreover, the rejection of the essential aspects of religion does not make one an apostate except if the individual knows that the consequence of his rejection is to deny the Prophet (S) of Allah (SWT)—which, because

of the topic being clear, is usually the case.

However, differences of opinion in theoretical matters that most of the ‘ulama have—which may be due to a difference of opinion regarding the reliability of a narrator, or the meaning of a hadith, or some other commotion-causing matter that becomes the basis of their difference—does not lead to apostasy.

Considering this view, we are of the opinion that all Muslims and the followers of the schools of the thought are included within the Islamic Ummah. Hence, it is not permissible to proclaim kufr on them for any reason. Moreover, any differences between them must be resolved wisely through intellectual and logical discussions and through the guidance of the Noble Quran.

فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ

If you differ in anything amongst yourselves, refer it to Allah and his Messenger 4:59

Part 2: Issues Pertaining to Congregational Prayers

According to Dr. Nasr Farid Wasil:

Question: Is it permissible to follow an Imam in congregational prayers who belongs to the Shia of the *Ahl al-Bayt*?

Answer: It should be stated that any Muslim who believes in Allah (SWT), testifies to His *wahdaniyyah* (unity) and to the messenger-ship of the Holy Prophet (S), does not deny the religious necessities, and is completely aware of the pillars of Islam such as the daily prayers and its terms, is eligible to become the Imam (leader) of congregational prayers of the followers of the other Islamic schools of thought despite the minor *fiqhi* differences between the Imam and the followers.

This principle is applicable to the Shia of *Ahl al-Bayt* (‘a) as well since we share the same belief about Allah (SWT), His messenger (S), the *Ahl al-Bayt* (‘a) and the Sahabah (companions). There is no difference between us about the principles and foundations of the Islamic *shari’ah* as well as the necessities of the religion.

When Allah (SWT) granted us the opportunity to visit Tehran and Qom in the Islamic Republic of Iran, not only did we lead the congregation prayers of which they took part, but we also followed them in their own congregational prayers.

Thus, we ask Allah (SWT) to bring about unity within the Islamic ummah, to eradicate the hostility, strife and divergences that exist within it, and to remove the differences between us that pertain to the jurisprudence and religious subsidiaries.

According to the Shia *Maraja'* (Supreme Authorities):

Question: What is the ruling of performing one's daily prayers in congregation with the Ahl al-Sunnah? Does it suffice, or must one repeat one's prayers?

Imam Khumayni, Ayatullah Araki, Ayatullah Khamenei, Ayatullah Fadhil, Ayatullah Sanai and Ayatuallah Makarim: Congregational prayers with the Ahl al-Sunnah suffices.

Ayatullah Gulpaygani: There is no harm in performing prayer with the Ahl al-Sunnah. Although it is good to participate in their congregational prayer, it should be performed completely in compliance with the Shia conditions.

Ayatullah Bahjat: There is no harm in taking part in their congregational prayer.

Ayatullah Tabrizi and Khui: If in the congregational prayers, one recites the essential parts of the prayer, it suffices.

Ayatullah Zanjani: It is indispensable to take part in the congregational prayer of the Ahl al-Sunnah but as a matter of caution, the prayer should be repeated.

Ayatullah Sistani: It is permissible to follow the Imams of the other Islamic schools of thought in performing the daily prayers, but one should recite the surahs of *Hamd* and *Tawhid* on one's own.

Ayatullah Safi: There is no harm if one participates in the congregational prayers of the Ahl al-Sunnah. If one is participating in order to create brotherhood among the hearts of the Shias and Sunnis and to remove the accusation against the Shias, it is not necessary to repeat the prayers.

Question: Are the rulings regarding congregational prayers with the Ahl al-Sunnah limited to Masjid al-Haram and Masjid an-Nabi or do they apply to any mosque?

Imam Khumayni, Ayatullah Araki and Ayatullah Khamenei: It applies to all mosques.

Ayatullah Fadhil: It is not particular to those two mosques.

Ayatullah SanaPi: It also applies to the other mosques.

Ayatullah Makarim: There is no difference between Masjid al-Haram and Masjid an-Nabi and the other mosques in this matter.

Ayatullah Gulpaygani: It is not particular to the Sacred Mosques but applies to all mosques. It is recommended and preferable.

Ayatullah Bahjat: There is no difference.

Ayatullah Zanjani: Both cases are the same.

Ayatullah Sistani: In responding to the previous question, there is no difference between Masjid al-Haram and Masjid an-Nabi and the other mosques.

Ayatullah Safi: The commandment is the same as the answer which has been given to the previous question and applies to all mosques.

According to the Ahl al-Sunnah authorities:

Ibn Taymiyyah: All Muslims agree concerning the permissibility of following the Imams of one another during the congregational obligatory prayers, as this was done by the companions of the Holy Prophet (S) as well as the infallible Imams. If someone denies this, he is an innovator and is against the Holy Quran, the sunnah of the Holy Prophet (S) and the consensus of the Muslims.

Professor Wahbah Zuhayli: Following the congregational prayer leaders of other Islamic schools of thought during the obligatory prayers is appropriate and is not *makruh* (undesirable). The companions of the Holy Prophet (S) as well as those who came after them used to follow the Imams of one another constantly with consensus, even though there were differences in the subsidiary rules of religion. Ibn Mas'ud followed the caliph Othman when he was leading prayers to remove the differences that could lead to sedition.

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