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Question 32 : Why is the Ja'fari school of thought {madhhab} stipulated in the Constitution of the Islamic Republic of Iran as the official madhhab of the country?

Reply: No doubt, the Constitution of the Islamic Republic of Iran shows respect to all Muslim schools of thought, but the Muslim schools of jurisprudence {*madhahib* or *madhhab*s} such as Ja'fari, Maliki, Shafi'i, Hanbali, Hanafi, etc. are neither identical nor concordant in their attitudes toward the individual and social duties and so there are many differences among them.

Also, while laying down laws and enacting regulations for a society, the concordance and harmony of the said regulations seem to be indispensable.

Therefore, only one Muslim school of thought should be recognized as the source for enacting the social regulations of a certain country because in case of relying on various sources of legislation, the achievement of cohesive and systematic regulations will be impossible.

Therefore, one of the Muslim schools of jurisprudence that has correct standards should be recognized as the source for condifying social laws and regulations and thus prevent any possible chaos and discord in the codification of the laws of country and pave the ground for the formulation of a set of regulations in legal, social and other fields.

The criterion for selecting the Ja'fari madhhab

The other question which is posed here is: What is the criterion for recognizing the Ja'fari *madhhab* from among the Muslim schools of jurisprudence as the source for codifying the laws and regulations of the country?

The answer is clear and that is because the vast majority of the Iranians are Muslims who believe in the Ja‘fari school of jurisprudence and think it can define their individual and social duties. As such, it is clear that declaring the Ja‘fari *madhhab* to be the official *madhhab* of the country as stated in the Constitution of the Islamic Republic of Iran is not unusual and it is congruent with all logical and legal standards.

The status of the other Muslim schools of thought and the respect shown to them

The Constitution of the Islamic Republic of Iran which recognizes the Ja‘fari *madhhab* as the official *madhhab*, respects other *madhahib* such as Shafi‘i, Hanbali, Hanafi, Maliki, and Zaydi. As a matter of fact, the followers of these *madhahib* can follow the *fiqh* of their respective *madhahib* in:

1. The performance of religious rites;

2. Religious training and education;

3. Carrying out personal activities; and

4. Specific religious activities such as marriage, divorce, inheritance, last will and testament, etc.

In addition to this, in the region where the majority of the inhabitants belong to any of the aforementioned *madhahib*, the local regulations prescribed by local councils are compatible with that particular *madhhab* and the rights of followers of other *madhahib* are also observed.

In order to elaborate on this issue, we cite Article 12, Chapter 1 of the Constitution of the Islamic Republic of Iran:

The official religion of Iran is Islam while the official *madhhab* is Shi‘ah Ithna ‘Ashari (Twelver Shi‘ah), and this principle is unalterable and the other Islamic schools of thought such as Hanafi, Shafi‘i, Maliki, Hanbali, and Zaydi are completely respected and the followers of these *madhahib* are free to follow their *madhahib* in such areas like religious rites, religious training and education, personal affairs like marriage, divorce, inheritance, and last will and testament, or in relevant legal cases. In every region where the followers of any of these *madhahib* are in majority, the local regulations local councils codify are to be compatible with that particular *madhhab* and the rights of followers of other *madhahib* be preserved.

This article in the Constitution of the Islamic Republic of Iran is a clear testimony to its respect for all Islamic schools of thought.

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