

Khutabah of Amir-ul-Momaneen^{a.s} in Disapproval of Muftis

(Nahjul Balagha, Sermon no. 18/21)

Whenever a question is represent to on of them (Ulema), he issues a verdict from his own opinion, and when the same question is asked, later on, from another one, he replies in contradiction to the first. Then all of them refer to their superior (Khalif), who endorses both conflicting views. Although they have One God, one Prophet and one book! They need to ask themselves, Has Allah swt wish them to invoke disagreement and they obey Him by doing so? On the contarory, He has asked them to refrain from it and they have purposely taken an unlawful stance. Or Allah swt has did not explicitly reveal His divine laws (Deen)and wants their assistance for completion of His Deen? Or these people (Ulemah) have been given right to freely amend the divine laws and still God is oblidged to like them? Or Allah swt had revealed the complete message to His Prophet saw who inadequately transmitted to people? However, Allha swt Says in Quran Shareef that We have not disregarded anything but Have explicitly explained all matters and Says some of Our verses verify other verses and they never contradict. Hence, Allah swt Says, you would have found lot of inconsistencies if the book were not revealed by Allah, the book is sweet from superficially but has enourmess depth in its meaings. It's wonders would never diminish and its fountains of bounties would never seize and heavy curtains of Ignorance would be removed with its miraculous enlightenment

Mufti Jafar Hussain writes in the explanation of the sermon, as: if there is no clear order from Allah swt, regarding the Halal or haram of a matter then it is quite permissible for 'Mujtahid' to allow its use or forbid it, based on his own opinion and if there is a contarory fatawa issued by another 'Mujtahid' then both halal and haram would, regarding it, consider to be Allah's order, as issued by two or several 'Mujtahideen' and then Mufti Jafar has cited an example that if 'Mujtahid' says that 'Nabind' (juice of fermented herb) is haram while other Mujtahid recongs it is Halal, then for those who consider it haram should not drink it but who accept it halal based on fatawa may well make use of it.

Mufti Jafar Hussain further adds from a Shia scholar, Shaher Satani, that the 'Usooli' (those who are in favour of Ijtihad) in the absence of any justification from Allah swt regarding Halal or Haram of a matter, then whatever a 'Mujtahid' decides becomes the law of Allah swt with the provision of several differences which may coexisting (regarding halal or haram) among several 'Mujtahideen' in a point in time. This is due to the fact that when a 'Mujtahid' cannot find an authentic answer to a religious matter then, after extensive research, he comes up with an 'opinion' which would serve his and his followers (Mukaladeen) purpose. However, the value of his guess is no more than a superficial estimate of Allah's order and its value could be less than what would be the reward of divine order. Anyway, Mufti Jafar's explanation, still does not remove the presence of 'doubt factor' in fatawa of a 'Mujtahid', which Amir-ul-Momaneen^{a.s.} has pointed in the above Sermon.