

The Role of a Muslim Scholar (part 2 of 2)

Description: Terms associated with Muslim scholarship and why Muslims follow a middle path.

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Objectives

- To understand the role of a Muslim scholar.
- To understand the depth of his or her education.
- To understand the terminology associated with Islamic law and scholarship.

Arabic Terms

- *Fatwa* " (plural: *fatawa*) a ruling on a point of Islamic law given by a recognized authority.
- *Mufti* " A person qualified to issue a *fatwa*.
- *Aalim* - (plural: *Ulama*) one who has knowledge. The term commonly refers to a Muslim religious scholar.
- *Qadi* - A Muslim judge who renders legal decisions according to the *Shariah*.
- *Shariah* " Islamic Law.
- *Sahabah* - the plural form of "Sahabi," which translates to Companions. A sahabi, as the word is commonly used today, is someone who saw Prophet Muhammad, believed in him and died as a Muslim

There are many terms associated with the status of a scholar and many of them are defined in the Arabic terms section of this lesson and the previous lesson. Two terms however require a more in-depth definition and understanding. *Fatwa* and *mufti* are two words that are used easily but sometimes without truly understand their meaning.



A *fatwa* is an Islamic legal ruling, issued by an expert in religious law. It usually pertains to a specific issue and is given at the request of an individual, group or judge and will be used to resolve the issue. A *fatwa* is necessary if a point of law or the circumstances are unclear. *Fatawa* are also required when new matters develop such as

advancing technology and science. "Can a Muslim be involved in cloning?" is, for instance, a question that would require a *fatwa*.

In nations that observe Islamic law, *fatawa* are rigorously debated before being issued publicly. They are affirmed by consensus of a supreme religious council. In these countries *fatawa* are rarely contradictory, and are enforceable by law. In nations that do not recognize Islamic law, Muslims are often confronted with competing *fatawa*. If this is the case a person may choose which ruling to follow.

Unless a person is extremely well educated in Islamic jurisprudence he or she has no authority to issue a *fatwa*. Such an educated person is known as a *mufti*. A *mufti* is considered the pinnacle of scholars because of the advanced training required. He is an expert in Islamic law qualified to give authoritative legal opinions (*fatawa*); usually a member of the established *ulama* and ranked above a *qadi*. The *qadi*, on the other hand issues a judgment on particular cases or incidents pertaining to an individual or groups. Typically such cases involve two adversaries. Under normal circumstances both parties (the *mufti* and the *qadi*) work together. The *mufti* builds the point of law and the *qadi* applies it.

In order to issue a *fatwa* the *mufti* must know several things that can only be understood after undertaking years of comprehensive religious education. For example, he must know the verses of the Quran pertaining to the ruling at hand - when each was revealed and why, as well as being able to distinguish between any supportive and oppositional verses. He must be familiar with all the *ahadith* pertaining to the ruling and the soundness of their chains of transmission, and be familiar with the legal precedents on the issue, including arguments and any consensus reached by earlier scholars. He must also be well-versed in the syntax, grammar, pronunciation, idioms, special linguistic uses, customs and culture prevalent at the time of the Prophet and the following two generations.

It is worth remembering that *fatawa* issued by unqualified and or unauthorised individuals have no legal standing. It is impermissible to issue a *fatwa* when one does not have the required knowledge. In addition to this a ruling by a *mufti* is not given force of law. It is a response to an issue and it is up to individuals to follow the ruling or not. Law on the other hand, is enforced by individual judgments of the court.

Islamic law otherwise known as the *Shariah* calls people to the middle path, in all things, including belief, worship, ethics, morality, behaviour, interactions, and intellectual understanding. This could be called the basis of *Shariah*, where the essential and guiding principle is moderation. Islam strikes a balance between extremes.

Prophet Muhammad said, "O people beware of going to extremes in religious matters for those who came before you were doomed because of going to extremes in religious matters."^[1] In Islam religion is not separate from everyday life; a Muslim strives to make every aspect of his daily living a form of worship. Thus Prophet Muhammad was warning his followers to be moderate, to follow a middle way and to choose the easier of options that fall within the boundaries of the *Shariah*. One of the roles of a Muslim scholar is to

guide and educate others as to where those boundaries lie.

oeWe have made you [believers] into a just community (a middle nation)...” (Quran 2:143)

Prophet Muhammad’s beloved wife Aisha said that, oeWhenever the Prophet had to choose between two options, he always opted for the easier choice, unless it was sinful, in which case, he would avoid it.”[2] Thus part of the role of a Muslim scholar is to make Islam easy for others and to deter people from going to extremes.

Allah said to Prophet Muhammad, **oelt is part of the mercy of Allah that you deal gently with them. If you were severe or hardhearted, they would have broken away from you”** (Quran 3: 159). And accordingly when he sent Mu’adh bin Jabal, may Allah be pleased with him, to teach Islam to the people of Yemen, he gave them the following advice, oeFacilitate religious matters to people and do not make things difficult. Obey each other and do not differ [amongst yourselves].”

Islam also strikes a balance in taking knowledge from Islamic scholars. A Muslim should not consider himself as self-sufficient and hence ignore all what scholars have to say " this is a sure path to falling into deviant ideologies. And on the other hand he should not consider Islamic scholars infallible; taking their words to be infallible is part of the extremes believers are asked to stay away from. A Muslim humbly acknowledges his level of knowledge and learns his Islam from those who are competent and trustworthy.

Muslim scholars, those educated to advise and make religious rulings, do their best to help believers stay firmly on the right path, the middle path. They first and foremost undertake highly specialised religious training and education; their depth of knowledge is not gained via all the information easily available on the internet today. A scholar is a person who knows, and has spent many many hours and years, even decades, acquiring that knowledge.

Endnotes:

[1] Ibn Majah, *An Nassai* (classified as Saheeh by Sh. Al Albani)

[2] *Saheeh Al-Bukhari*

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