

Bumpy road to heaven

In the company of traditional muftis, [Dena Rashed](#) watches while satellite TV turns into the Muslim world's fatwa-issuing arena -- with dubious consequences for all parties

"My son says I will go to hell," says an old woman dressed in a traditional black *galabeya*. "Is it true, sheikh?" She directs the question to Sheikh Eid Abdel-Hamid, supervisor at Al-Azhar Mosque, perhaps Sunni Islam's equivalent of the Vatican. Among many others like herself, she seeks guidance where it has been found for hundreds of years, her weary gait and hopeful eyes bespeaking a longing for reassurance. Her issue had to do with inheritance: she had decided to give her daughter half her share of the apartment in which they lived, because the daughter had lived with and "served" her there for 10 years; Islamic jurisprudence grants the female heir only half of what the male receives, however; hence the threat of the son who, unlike his sister, wants for nothing. Sheikh Abdel-Hamid duly explained that in such a case, the bequest was a '*attia* (a gift to her daughter) and that she had no reason to fear hell; and tears of relief started trickling down her cheeks.



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At Al-Azhar Mosque, Sheikh Abdel-Hamid guides fatwa seekers

Elsewhere people like this old woman are finding a shorter route to spiritual guidance in the media, with the ever rising number of newspapers and magazines, even hot lines as well as satellite channels offering *fatwa* services. Many such *fatwas* reflect their -- sometimes very well qualified -- scholars' departures from the received orthodoxy. Gamal El-Banna's ruling that smoking does not break the Ramadan fast, for example, proved extremely controversial; stating that he believes smoking to be *makrouh* (undesirable if not prohibited -- *haram*) due to its adverse effects on health, and that he himself is not a smoker, he explained that, since it involves no liquid or solid entering the body, smoking does not break the fast -- prompting the official *fatwa* -issuing body, Dar Al-Iftaa, to issue a declaration to the contrary, reasserting orthodox beliefs. For his part Sheikh Abdel-Hamid believes that, while comprehensive knowledge of the Qur'an and the traditions of the prophet are a must, they might not be enough qualification for an effective *fatwa*. The scholar must be well-versed in the canonical disputes -- questions of attribution, for example -- as well as jurisprudence and other aspects of theology. "In the end a nurse," he smiled, "cannot do the doctor's job."

Grand Mufti Ali Gomaa, agrees: he has publicly limited legitimate *fatwa* -issuing to Dar Al-Iftaa, Al-Azhar and, rather inconclusively, "specialist scholars". According to Sheikh Abdel-Hamid, "one should understand what is suitable for the times, relying on Qur'an and Sunna [traditions of the prophet] and closely examining the *madhahib* [schools of jurisprudence]. One should act as a judge, by the book, rather than following people's judgement, selecting the point of view that best suits the subject and situation and capturing the soul of Sharia law. A mufti should be a role model. But he should be flexible and easy rather than hard on people." He demonstrated involuntarily by giving an old man who wanted to distribute his wealth evenly among two sons and two daughters the opposite opinion to what he gave the aforementioned old woman, having noted that all four siblings were equally well off. For Sheikh Abdel-Hamid this is business as usual, a tough job for sure, but one he manages to spice up with humour. Crucially, he gives people the time to explain themselves fully, always redirecting them to Dar Al-Iftaa for additional opinion if he glimpses the slightest doubt in their eyes, no matter how sure he is of his viewpoint -- in the true spirit of a time-tested tradition.

Likewise for Sheikh Ragab Zaki, the imam of a mosque in Al-Madbah: *fatwa* -issuing is best done in person. "I have to know the culture, the personality and life conditions of the person before I can issue a *fatwa*." Sheikh Ragab also believes a mufti should be given time to think over a matter rather than instantly pronouncing an opinion. He also feels that satellite TV tends to pit opposite opinions against each other,

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stressing "silly questions like the smoking thing" at the expense of real social issues and thus acting as a distraction. Many such programmes host unqualified people, he adds, whereas *fatwa*s, especially now "in such a globalised world", should only be issued by certified scholars. Amna Nosseir, professor of creed and philosophy at Al-Azhar University, also distrusts the "take-away *fatwa* ", blaming it for controversies and social disruption.

Ahmed El-Magdoub, a legal specialist and former head of the National Centre for Social and Criminal Studies, would seem to support the argument that take-away equals sedition: "Such *fatwa* outlets were non-existent for as long as Al-Azhar maintained its independence from the state. Under late president Gamal Abdel-Nasser, he argued, when religious leaders started acquiring their position by appointment from the government, "people started to distrust Al-Azhar scholars, arguing that they are 'government sheikhs' who said whatever suited the powers that be". Symptomatically, he added, it was at that time that Saudi Arabia and Egypt started having disagreements over the lunar calendar with respect to the start of Ramadan: when political relations went awry, Egyptian state-supported scholars would make sure the sighting of the moon disagreed with Saudi Arabia's by at least a day. Still, traditional Sheikhs could have maintained their status as *fatwa* sources if not for the complex developments in contemporary society.

Sheikh Abdel-Hamid, for his part, stressed the need to dispel illusions, arguing that it was ignorance as much as anything that gave unqualified people authority. According to Nosseir, the power of the *fatwa* cannot be ignored: "Every word that comes out in the form of a religious ruling has great significance, and if controversial should be discussed openly." But would that be enough?

Sheikh Safwat Hegazi's recent *fatwa* that it is *hala*l to kill Israeli civilians on Egyptian land is one such potentially disastrous ruling; and arguably neither Dar Al-Iftaa's ruling to the contrary nor Sheikh Safwat's own retraction will render it entirely harmless. While acknowledging Hegazi's line of thinking as a response to frustration with Israel's aggression and impunity, Nosseir argued that with the correct interpretation of Qur'an , the *fatwa* is invalid, citing Verse 6 from *Surat Al-Momtahena*, to make her point: "*Allah does not forbid you to deal justly and kindly with those who fought not against you on account of religion and did not drive you out of your homes. Verily Allah loves those who deal with equity.*"

To avoid such *fatwas*, Nosseir suggests drawing up a Dar Al-Iftaa committee of religious scholars from the various modern sciences as well as Sharia: "Different scientific spheres are now needed to substantiate a religious ruling." To meet on a monthly basis, such a committee would manage to cover a given topic from every conceivable angle, coming up with a solid statement: "So eventually we would be able to consolidate the value of the *fatwa* and make people more eager to follow it," she opined. "With all due respect to the early scholars of Islam, we need to look into our daily issues with a different eye, *ijtihad* [independent thought] in Islam is allowed till doom's day." Significantly, she appears to agree with El-Magdoub: "I think the people who should participate in such a committee should be volunteers, not commissioned and not paid, to ensure they are doing so out of their own free will. We strongly need such committee, but we lack the determination."

Online paradise

DAR AL-IFTAA (the fatwa council) was established in 1895, and the first person to head it was the then grand sheikh of Al-Azhar Hasouna El-Nawawi. It was later headed by the well-known Enlightenment pioneer Sheikh Mohamed Abdu (1899-1905) the year of his death. During those six years, at a time when the Egyptian population was about 10 million people, Imam Abdu issued only 964 fatwas. Today Dar Al-Iftaa issues an average of 8,000 fatwas per month. Available at the affordable price of LE10, Dar Al-Iftaa has produced a CD containing all the fatwas issued for the past 100 years; it has also launched a website -- <http://www.dar-alifta.com/www.dar-alifta.com>-- in Arabic, English, French and German, catering to fatwa seekers.

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