



## How should the common man act ...

when faced with multiple opinions of scholars?

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If there is no other Muftī in that city, it is obligatory for the common man (*ʿāmmī*) to turn towards that lone Muftī. If there are many, then he can ask whosoever he likes, as it is not necessary for him to seek the most knowledgeable amongst them. This was the practice in the time of Sahāba, when common folk would ask companions of every rank and they did not restrict themselves to just Abū Bakr, ʿUmar or other Caliphs.

Some scholars have said that it is compulsory to turn towards the most knowledgeable amongst them. If there are equals, then one can choose whosoever they like. But this opinion is against the unanimity of the Sahāba because in their times, issuing *fatwās* was not restricted to the companions of higher ranks (*ʿādil*).

Rather, it is only obligatory [for the common man] to ask those whom he knows to be knowledgeable, trustworthy and judicious (*ʿilm wal-ʿadāla*).

Yes, if two scholars differ in a particular matter he must return to them once more and say: “*the rulings of you both are contradictory; and both of you are equal in my eyes*”. If both of them allow him to choose whatsoever he likes, he does likewise. If both of them agree on a more cautious answer, or on that which is more helpful, he obeys them.

But if they insist on the difference and there is no other way except to choose one of the two, he must defer the matter since neither of them is better than the other. The Imāms are like the stars: he shall find guidance no matter whom he follows (*wal-aʿimma kal-nujūm: fa-bi-ayyihim iqtadā ihtadā*)

If he [the commoner] thinks that one of them is more knowledgeable and of a higher stature than the other, he must ask the judge (*qādī*) of that city to choose for him. It is possible for even the lower (*maʿdūl*) ones to be among the people of *ijtihād* even if he is alone or if there are others with him [in his opinion.] Also, the degree of superiority [in knowledge] amongst them doesn’t matter.

In my opinion, one should follow the most superior amongst them. If one thinks that Imām Shāfiʿī (May Allāh have mercy upon him) is the most knowledgeable, and that his *madhhab* is most likely to be the correct one, he should not follow other *madhhab* that contradicts [Shāfiʿī] just out of desire.

Nor should the commoner begin to collect the best rulings [according to his own self] of different madhhabs and make it an extensive choice. If he does so, this kind of choosing is akin to the Muftī who gives precedence to one proof over another (*tarjih*) when two of them seemingly contradict, and he follows the one which is a stronger proof in his estimation (*fi zannih*)

It is a similar thing here. Though we say that every *mujtabid* is correct, the possibility of error exists because of overlooking a certain proof (*dalīlun qāṭi*); or having issued a ruling even before the matter has been completely investigated or giving precedence to the wrong proof.

This is the reality of the matter, and we believe that Allāh has a secret in turning people towards their [*mujtabid*'s] opinions until there shall not be the [opinions of] the careless and those who follow their own desires; the libertarians who seek unrestrained freedom like that of animals, who are unreigned and turn people hither and thither.

It is therefore better to follow the restrained opinions and established principles [by the *mujtabids*] than to follow the choosing of those who are carefree and careless like little children and animals.

However, if we are forced to choose between the opinions of two muftis who are equal or two proofs that are equally sound, it becomes a necessity [to choose].<sup>1</sup>



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<sup>1</sup> Imām Ghazālī, *al-mustasfā* vol.2 p.204-205 article 164