



Disruption of Fatwas During the COVID-19 Pandemic and Its Impact on Community Stability

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Abstract

Recently, fear and panic have surged with the emergence of the coronavirus, which began in China, specifically in Wuhan, in December 2019, and spread globally. The global economy and human resources were severely impacted, causing a decline in oil prices and stock markets. The fear of the disease and its spread led to people being isolated in their homes, nations implementing quarantine measures, travel restrictions, and increased demand for home supplies, including food and medicine. Many people lost their jobs and employment.

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On March 11, 2020, the World Health Organization classified the disease as a global pandemic and named it COVID-19. Nations mobilized their resources to combat it, to the extent that some European leaders, such as Italian Prime Minister Giuseppe Conte, declared, “We have lost control: COVID-19 is killing us mentally and emotionally,” adding, with frustration, “We no longer know what to do; all solutions on earth are exhausted. The solution is left to the heavens” (Jalout, 2020).

Throughout Muslim history, there have been various plagues and epidemics, with literature addressing preventive measures. However, the COVID-19 pandemic has introduced numerous new issues that have led seekers of religious rulings to search for answers. Among the most prominent issues were the suspension of Friday prayers and congregational prayers in mosques, which had not been seen for centuries. Additionally, there were questions about suspending Taraweeh prayers, Umrah, and Hajj. Other concerns included the washing of deceased persons who died from COVID-19, burial in coffins, cremation, burying multiple deceased individuals in one grave, combining prayers and performing tayammum (dry ablution) and prayers without ablution for doctors in hospitals, as well as inheritance issues involving two people who died from COVID-19 without knowing the exact time of each person's death.

Issues of worship were not the only concerns; matters related to transactions and finances also became prominent due to the financial crisis, with thousands losing their jobs and hundreds of companies worldwide going bankrupt.

The increase in questions led to a proliferation of answers on websites, media outlets, and numerous individual fatwas and responses, which resulted in confusion. People encountered differing answers to the same question and multiple responses to a single answer, leading to significant disturbances that negatively impacted people's psychological and social stability.

This research aims to address this phenomenon—the disruption of fatwas due to the pandemic and its impact on community stability. The study will explore the causes of these disruptions and seek practical and scientific solutions to regulate the fatwa process to achieve its intended goals for individuals and society. The research will follow the plan outlined below to achieve its objectives.

Section One: Disruption of Fatwas During COVID-19: Concept and Causes

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Section One: The Discrepancy of COVID-19 Fatwas: Concept and Causes

Sheikh Abdul Karim Khassawneh, the Grand Mufti of Jordan, described the current state of fatwas as chaotic, stating: "What we observe today in the confusion of fatwas is not due to the Sharia itself, for it is preserved from error and confusion and includes wisdom, public interest, unity of voice, and cohesion" (Khassawneh, 2020).

The term "fatwa discrepancy" has recently become common among scholars, clerics, and academics. Since I could not find a definition for this term as it is a compound phrase, I sought to break down its components to derive its meaning.

1. Concept of Fatwa Discrepancy

To understand the concept of fatwa discrepancy in this discussion, it is necessary to define its components: "discrepancy" and "fatwa," both in language and terminology.

1. Concept of Discrepancy

"Discrepancy" is the plural of "discrepancies," with the root being "to be inconsistent." It refers to a state of instability, chaos, confusion, or turmoil. For example, "the situation became chaotic" (Al-Mujam, 2020). According to Al-Furuq Al-Lughawiyya Dictionary, discrepancy involves successive movements in different directions, derived from the verb "to strike." It is said that "discrepancy" is like a thing striking another, resulting in confusion and is generally considered undesirable (Al-Furuq, 2020).

Fatwa discrepancy refers to various conflicting opinions that create confusion and instability in people's understanding. It is not simply the presence of differing opinions supported by evidence; rather, it denotes a state of disorder.

2. Definition of Fatwa

In terminological terms:

- Ibn al-Salah defined it as "a declaration from Allah, the Almighty" (Ibn al-Salah, 2020).
- Ibn Hamdan al-Harrani, the Hanbali scholar, defined it as "the clarification of legal judgment based on evidence for the one who asks about it" (Ibn Hamdan, 2020). This includes queries about incidents and various issues.

A common expression regarding a mufti is that "the mufti acts as a representative in delivering judgments," signifying that the mufti stands in place of the Prophet in this regard.

2. The COVID-19 Pandemic and Its Issues

The novel coronavirus is scientifically known as SARS-CoV-2, abbreviated as COVID-19. The reality has demonstrated the virus's ability to spread among people, with evidence showing that it spreads from person to person through close contact (within 6 feet or 2 meters). The virus is transmitted via respiratory droplets released when an infected person coughs, sneezes, or talks. It can also spread if a person touches a surface contaminated with the virus and then touches their mouth, nose, or eyes (**World Health Organization, 2020**).

Due to the rapid spread of this virus, which ranges from common colds to severe acute respiratory syndrome (SARS), the World Health Organization and health authorities worldwide recommended physical distancing, avoiding close contact and handshakes, and taking various preventive measures to contain the virus. Schools, airports, and gatherings were suspended, and travel was canceled, even affecting the suspension of Friday prayers and congregational prayers to preserve lives.

3. The Elements of Fatwa and Their Application to the COVID-19 Situation

To address the discussed issue, we need to apply the elements of fatwa to the COVID-19 phenomenon:

A. **The Issued Fatwa:** This refers to the legal judgment and responses to new issues arising from the COVID-19 pandemic. It is the outcome expected by the inquirer to understand the rulings on their actions in worship, transactions, and other areas.

B. **The Inquired About:** These are the actions the individual seeks a ruling on, including worship practices (e.g., purification, prayer, fasting, pilgrimage), transactions (e.g., lease, sales, business dealings), and other areas (e.g., funerals, marriage, various other questions).

C. **The Inquirer:** In the context of this pandemic, the inquirer is the person seeking a ruling on the legal judgment. This individual has not reached the level of a mufti and thus asks the mufti for answers to their questions (**Al-Jaafari, 2020**). The inquirer is someone who lacks the ability to derive legal rulings and turns to a mufti for guidance.

Here are some examples of conflicting fatwas regarding fasting:

A. **Egyptian Fatwa House:** The Egyptian Fatwa House issued a fatwa allowing individuals infected with COVID-19 and medical staff to break their fast if fasting would cause harm. However, it emphasized that fasting remains obligatory for those capable according to Islamic rules (**Fatwa House, 2020**).

B. **Islamic Research Committees:** The Islamic Research Committee at Al-Azhar held a meeting with doctors, representatives from the World Health Organization, and Al-Azhar scholars, concluding that there was no scientific evidence linking fasting with COVID-19 infection. Therefore, the Islamic rulings on fasting remain unchanged except for those permitted to break their fast due to valid excuses (**Al-Azhar, 2020**).

C. **Shiite Authority:** The highest Shiite authority in Iraq, Ali al-Sistani, issued a fatwa allowing breaking the fast during Ramadan if there is fear of contracting the virus, stating that if one fears infection from fasting despite all preventive measures, the obligation to fast is lifted, but fasting must be made up later (**Al-Sistani, 2020**). Despite being a Shiite fatwa, it was widely circulated and interpreted as allowing fasting to be broken based on fear, which contradicts the prevailing scholarly view that legal rulings are based on certainty or strong presumption rather than doubts.

D. **Social Media Platforms:** Recently, many social media posts and statements varied regarding whether fasting is feasible during the COVID-19 pandemic or if it is necessary to consume water and nutritious food during Ramadan (**Social Media Analysis, 2020**).

E. **Media Channels:** Media channels have significantly influenced Arab viewers through programs, especially fatwa programs. It has been observed that the fatwas presented can vary even from the same mufti over time, providing viewers with conflicting and incomplete information.

F. **Individual Responses from Researchers and Thinkers:** One notable response from Moroccan researcher Abdel Wahab Rifqi states: "In religion, preserving lives takes precedence over performing

worship. Therefore, it is permissible for the sick and those at risk of illness to break their fast during Ramadan. It is neither pious nor correct to fast while ill. The final judgment should be left to medical experts who determine if fasting may worsen the condition. The primary battle today is combating the pandemic, which takes precedence over all else" (Rifiqi, 2020).

The researcher's comments suggest that the general public and intellectuals view maqasid (objectives) as self-evident, but the conflict among these principles should be resolved by qualified jurists. The issue is not solely within the realm of medical experts, as it intersects between medicine and Sharia, requiring input from specialists to reach a satisfactory conclusion.

G. Council of Senior Scholars in Saudi Arabia: The fatwa from the Council of Senior Scholars stated: "Despite the joy of this blessed month and the global COVID-19 pandemic, Muslims should set an example by performing their religious duties while strictly adhering to preventive measures mandated by authorities in their respective countries. Islam has prescribed various forms of worship without causing harm to oneself or others, emphasizing the preservation of human life and its essential interests" (Council of Senior Scholars, 2020). The fatwa indicates that every mufti should consult their local competent authority, highlighting the existing discrepancy.

H. Health Ministry Representatives: Health authorities and doctors have also provided opinions on fasting concerning COVID-19, noting that the impact of fasting depends on the individual's health condition and the treatment regimen. Doctors are best suited to determine if fasting is feasible for the patient, recommending consulting a physician for advice. This ensures the integration of medical and legal opinions to provide the most beneficial guidance for the inquirer (Health Ministry, 2020).

This integrated approach underscores the necessity for collaboration between medical and religious authorities to avoid psychological confusion and ensure coherent guidance. As stated by Tunisian Mufti Othman Batikh on April 14, 2020, "In times of epidemics, the decision to fast or not is linked to medical opinions."

From the COVID-19 pandemic scenario of 2020, it is evident that the mufti during an epidemic is not merely someone who meets traditional jurisprudential criteria but also includes scholars, commentators, and even the general public. The proliferation of fatwas from various platforms and media sources has led to confusion. This discussion aims to explore the reasons behind this discrepancy and differentiate between conflicting fatwas and genuine discrepancy.

Third: The Difference Between Discrepancies in Fatwas and Confusion in Fatwas

In Islamic jurisprudence, the term "discrepancy" carries its linguistic meaning, yet it is observed that jurisprudential differences in the history and trajectory of the Muslim community have taken an intellectual and cognitive direction. The phenomenon of discrepancies in Islamic heritage is distinguished by its scientific dimension, enriching the field of ijtihad (independent reasoning) and jurisprudential analysis. This notion is best illustrated by Imam al-Sha'rani's statement that the absence of jurisprudential discrepancies would lead to rigidity and difficulty for people: "The undeniable truth is that the collective body of madhabs (schools of thought) constitutes the Sharia itself, and it is impossible to fully implement the Sharia by adhering to only one school of thought" (Sha'rani, n.d.).

As we have seen, differences based on jurisprudential and usul (fundamental principles) reasons are a healthy phenomenon in Islamic heritage. Rather than causing disorder, they collectively represent the Sharia. However, there is a distinction between fatwas that are contradictory without any substantiated reasoning, relying only on doubts and whims, and those that are based on strong evidentiary methodologies. In either case, the solution lies in managing the differences among scholars by obliging the seeker of fatwas to follow the opinions of scholars from their locality and not to cherry-pick rulings from various sources, thereby avoiding confusion.

Fourth: Causes of Fatwa Confusion

Abdul Karim Khasawneh identifies two types of fatwa confusion:

1. **Confusion arising from differences in understanding the evidence** or from prioritizing some evidence over others, such as the discrepancies between different schools of thought. In essence, this is not confusion but rather a wealth of jurisprudential knowledge and a mercy for the ummah, as stated by scholars. This type of difference has not led to discord but has instead manifested as diversity, which promotes unity and cohesion.

2. **Confusion arising from differences not based on evidence** and instead fueled by personal desires. This reprehensible difference is rooted in reprehensible fanaticism, leading to discord, innovation (bid'ah), and accusations of disbelief (takfir). It often stems from individuals who claim ijthad (independent reasoning) without possessing the necessary qualifications.

Based on previous examples of confusion and the current situation, the causes of fatwa confusion can be attributed to two main factors: one related to the mufti (the issuer of the fatwa) and the other to the mustafti (the seeker of the fatwa):

1. **The mustafti's negligence in seeking fatwas from reliable sources**, such as official fatwa institutions, endorsed scholars, and those firmly grounded in knowledge. Since fatwas are part of the religion, the mustafti must be cautious about who they take their religious rulings from, avoiding social media platforms, media channels, and writings of intellectuals and non-specialists.

2. **The media's promotion of unqualified individuals as recognized scholars.** When we turn to books on jurisprudence and fatwas, we find that scholars have established guidelines for both the mufti and the mustafti to ensure the fatwa process remains consistent and fulfills its purpose of guiding people's lives in a stable manner, free from chaos and confusion.

3. **Ignoring the opinions of experts in specific fields, such as physicians**, who are also considered specialists. The Sharia's directive to "ask the people of knowledge if you do not know" (Qur'an, 16:43) implies that one should consult experts in any area of knowledge. They are regarded as the "people of remembrance" (ahl al-dhikr) in their respective fields.

The divine command in the verse, "So ask the people of knowledge if you do not know" (Qur'an, 16:43), is not restricted to those ignorant of Islamic rulings but is a general command applicable to any issue within any field of knowledge. One must consult experts in that field, as they are the "people of remembrance" in their domain. We have observed that some individuals' refusal to consult specialists has led to confusion in fatwas and public uncertainty.

4. **The weak intellectual foundation and analytical ability of some who issue fatwas**, whether they are imams, preachers, or doctors of Sharia. It is well known that fatwa issuance is a complex process that involves multiple Islamic sciences. Those lacking comprehensive knowledge in Islamic sciences or who have not studied the differences among jurists and the reasons and objectives behind these differences will undoubtedly cause harm while intending to do good, making more errors than correct decisions, and creating additional crises.

5. **Individual ijthad leading to significant pitfalls.** Many of the fatwas that have caused confusion during this pandemic stem from individual ijthad that did not originate from collective jurisprudential councils. Although Sharia does not prohibit opinions from those who have mastered the tools of knowledge and ijthad, individuals should be aware of the reality and outcomes to ensure their fatwas do not conflict with those issued by juristic councils and committees, thereby preventing further confusion.

6. **The mustafti's responsibility towards their religion.** Among the most crucial guidelines that will help reduce fatwa confusion is the mustafti's awareness of their religious responsibility. They should seek fatwas only from those whom they believe are the most knowledgeable and trustworthy in their field and who are known for their knowledge and integrity. They must ensure the scholar's proficiency in jurisprudence and honesty, relying on the testimony of a just witness. They should not neglect their duty to safeguard their religion.

Fifth: The Impact of Fatwa Confusion on Community Stability: Reality and Solutions

First: The Impact of Fatwa Confusion on Community Stability

No rational person can deny that fatwas are of great significance and play a crucial role in directing the lives of millions of Muslims. Fatwas undoubtedly have both positive and negative impacts on individuals and communities, and fatwa confusion exposes them to psychological, spiritual, and social instability.

From this perspective, we can focus on the fatwas issued during this global pandemic, examining how these fatwas have influenced Muslim communities' actions and behaviors in seeking to align their worship and transactions with Islamic guidance. These fatwas will serve as a historical record for future generations, providing valuable insights into the social history of Muslim communities, as historians have done before by utilizing fatwa collections as authentic and credible sources for understanding social life and practices.

A fatwa that aligns with a renewed understanding and conscious reading of the spirit of the law, its objectives, and its outcomes does not cause confusion in the mustafti's understanding or behavior. This was highlighted by Sheikh Ahmed al-Tayeb, the Grand Imam of Al-Azhar, during his address at the 25th Conference of the Supreme Council for Islamic Affairs: "The current situation results from many of us clinging to the apparent meanings of certain texts and rigidly adhering to the interpretations of previous scholars, even though these texts are open to renewed understanding and conscious reading of their objectives and purposes, so that Muslims do not experience alienation or psychological conflict between their thoughts and actions."

This issue was clearly observed during the public's confusion over fatwas permitting Friday prayers at home or without the imam's permission in remote areas and deserts, as well as fatwas requiring the washing of COVID-19 victims' bodies and prohibiting the use of tayammum (dry ablution) and removing protective clothing while performing medical duties. This created a psychological conflict between obeying and following God's commands and taking advantage of concessions and facilitation.

Here lies the role of the mufti, who must keep up with life's developments and address new circumstances by employing proper methodologies for correct deduction, understanding their implications, considering the objectives, and balancing needs and interests. This can only be achieved through disciplined Sharia ijtiḥād. Sheikh Abdullah bin Bayyah alluded to this, stating: "In these times, we are in dire need of fatwas that are neither excessively stringent nor overly lenient, for leniency often turns into laxity, and stringency into extremism and harshness. Thus, some claim the status of a mujtahid (independent jurist) while falling short of even the competent follower, and the unqualified assume the role of the expert."

Second: Fatwa Confusion Regarding the Suspension of Friday and Congregational Prayers

Among the fatwas that caused confusion in our Islamic countries was the suspension of Friday and congregational prayers. This issue led to numerous objections, responses, and complications. One notable fatwa was issued by Sheikh Muhammad al-Hassan Ould al-Dedew al-Shanqiti, who stated that closing mosques and canceling Friday and congregational prayers is prohibited by Sharia. He argued that the obligation could be fulfilled by the imam and two men for Friday prayers and that those unable to enter the mosque could follow the imam from outside, as long as they could hear the sermon and prayer. Sheikh al-Dedew considered this a new situation with no historical precedent and required fresh ijtiḥād, given that the issue had not been explicitly addressed in earlier texts. Thus, novel situations demand new interpretations based on established principles and evidence unless it is proven that a similar pandemic occurred in the past and was handled similarly. This fatwa sparked much debate and confusion, leaving the mustafti uncertain about whether to prioritize religious obligations over personal safety or vice versa.

Several scholars responded to Sheikh al-Dedew's fatwa, emphasizing the necessity of adhering to the required number for Friday prayers, the importance of obtaining governmental permission, and the incompatibility of performing prayers in deserts and remote areas with the objective of preserving life,

especially given the highly contagious and deadly nature of the virus. They argued that Islamic law prioritizes life preservation over religious rituals when the two conflict. Advocating for the performance of Friday prayers in the manner described by Sheikh al-Dedew was considered contradictory to the Sharia's objective of protecting human life and health.

It is important to note that scholars who argued for the suspension of Friday and congregational prayers relied on strong evidence, supporting the notion that closing mosques during pandemics has historical precedents in Islamic tradition. For example, during the reign of the Mamluk sultan, Al-Zahir Baybars, mosques were closed due to the outbreak of the plague, and fatwas were issued to suspend Friday prayers to prevent the spread of disease. Sheikh al-Dedew's fatwa, although based on his *ijtihad*, could not overcome the overwhelming evidence and consensus supporting the suspension of prayers in such exceptional circumstances. Therefore, following the collective opinion of scholars who emphasized the preservation of life was deemed more appropriate than adhering to individual *ijtihad* that lacked sufficient grounding in Islamic legal principles.

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