105721 - If he follows a scholar who is known for being knowledgeable and honest, he is not sinning

the question

I am a student who has been sent to study in a non-Muslim country. My question is: is there any sin on me if I follow the view of one of the scholars who are known for their knowledge and piety, with regard to an issue having to do with acts of worship – and, moreover, I think that his proof carries weight? The matter basically has to do with the issue of shortening prayers and putting them together, for one who is in a situation like mine. Is there any sin on me if I follow his view, which may make things easier with regard to my situation, even if it differs from the views of others? Does that come under the idea that religion is of an easy nature (and is not meant to make things difficult)? Moreover, it is narrated from the Messenger (blessings and peace of Allah be upon him) that he would choose the easier of two options unless it was a sin. I am faced with a great deal of difficulty which may not be understood except by those who have gone through it, but – and Allah knows best – the concession here is not only because of hardship, but because Allah loves for His concessions to be accepted. I hope that you will answer my question, and I ask Allah to include that in the balance of your good deeds.

Detailed answer

Praise be to Allah.

Firstly:

There is no sin on anyone who follows one of the scholars who are known for their knowledge and honesty, because he is complying with the verse in which Allah, may He be glorified and exalted, says (interpretation of the meaning): “So ask of those who know the Scripture, if you know not” [an-Nahl 16:43]. For the ordinary Muslim, the verdict of a scholar is like proof, and he must look for one who has knowledge and follow his fatwa.

Ash-Shaatibi (may Allah have mercy on him) said in al-Muwaafaqaat (4/292):

The fatwas of the mujtahid scholars, for the ordinary Muslims, are like shar'i evidence for the mujtahid scholars, the reason being that for ordinary people, the presence or absence of evidence is all the same, because they cannot benefit from it at all. Looking at textual evidence and trying to derive rulings based on it is not something that they can do, and it is not permissible for them to do that at all. Allah, may He be exalted, says (interpretation of the meaning): "So ask of those who know the Scripture, if you know not" [an-Nahl 16:43]. The ordinary Muslim is not a scholar, so it is not appropriate for him to do anything but ask those who have knowledge and refer to them with regard to the rulings of Islam in general. For him, they are the ones who represent the Lawgiver, and for him, their rulings are like those of the Lawgiver. End quote.

In al-Mawsoo'ah al-Fiqhiyyah (32/47-49) it says:

The one who seeks a verdict (fatwa), if he is faced with an issue, has to ask one who has knowledge and is of good character.

Ibn 'Aabideen said, narrating from al-Kamaal ibn al-Humaam: There is consensus that it is permissible to seek a verdict from scholars who are known to be qualified to engage in ijtihaad (and derive rulings) and to be of good character, or who have already been appointed to that position and people seek their fatwas on various issues and show respect to them. One should not ask anyone for a fatwa if he thinks that one of these two attributes are not present in his case – i.e., if he is not qualified to engage in ijtihaad (and derive rulings) or is not of good character.

If the one who is seeking a verdict finds more than one scholar to ask, and all of them are of good character and qualified to issue fatwas, then the majority of fuqaha' are of the view that the one who is seeking a fatwa may choose between them; he may ask whichever of them he likes and follow his view, and he does not have to examine each one in order to determine which of them has the greatest knowledge and then ask him. Rather he may ask the one who has the greatest knowledge, if he wishes, or if he wishes he may ask one who has less knowledge, even though one who has greater knowledge is available. The evidence for that is the general meaning of the verse

in which Allah, may He be exalted, says (interpretation of the meaning): “So ask of those who know the Scripture, if you know not” [an-Nahl 16:43]. Moreover, the earlier generations used to ask the Sahaabah even though there were senior Sahaabah, who were of greater virtue, who they could have gone and asked.

If he asks more than one mufti and they all give the same answer, then he is obliged to follow that if he is comfortable with their fatwa. If they differ, then there are two views among the fuqaha’ as to how he should approach the situation:

the majority of fuqaha’ – the Hanafis, Maalikis, some of the Hanbalis, Ibn Surayj, as-Sam‘aani and al-Ghazaali among the Shaafa‘is – are of the view that the ordinary Muslim should not choose, in the sense of following what he wants and rejecting what he wants; rather he has to examine their views and see which is more likely to be sound.

However the more correct view, according to the Shaafa‘is and some of the Hanbalis, is that it is permissible for the ordinary Muslim to choose between differing views of muftis, because the duty of the ordinary Muslim is to follow a scholar, and he is doing that by following the view of whichever of the muftis he wants. End quote.

Secondly:

What you must do is put your question to a scholar who is well known for his knowledge and honesty, and for being a man of dignity, then accept his fatwa and adhere to it. It is not permissible to seek out concessions and the easiest fatwas, except in one case, which is when the difference between muftis has to do with a minor issue that is subject to ijtihaad, concerning which there is no text of the Qur’an or Sunnah to indicate that one view is more likely to be correct than others, and the only way to find out which view is correct is personal views and pure ijtihad and examination. In that case there is nothing wrong with finding out which view offers a concession and following it, if the Muslim needs that. The Islamic principle states: hardship in complying with a ruling leads to a fatwa that grants a concession and make things easier.

It says in Liqaa’aat al-Baab al-Maftooh, by Shaykh Ibn ‘Uthaymeen (meeting no. 46; question no.

2):

Question: is it permissible to seek fatwas from more than one scholar? If the fatwas differ, should the one who is seeking a fatwa choose the easiest or the most prudent? May Allah reward you with good.

Answer:

it is not permissible for a person, if he has asked a scholar whose view he trusts for a fatwa, to ask someone else, because this leads to toying with the religion of Allah and seeking out concessions, as the person may ask one scholar, then if the answer does not suit him, he asks another one, and if his answer does not suit him, he asks a third scholar, and so on. The scholars stated that seeking out concessions is evil.

But sometimes a person may have access to only one scholar, so he asks him out of necessity, but his intention is that, if he meets a scholar who is more trustworthy in terms of his knowledge and religious commitment than the first one, he will ask him. In this case there is nothing wrong with him asking the first one out of necessity, then if he finds one who has more knowledge than him, he may ask him.

If the scholars give him different fatwas, or if there is a difference in what he hears of their exhortations and advice – for example – then he may look for someone who he thinks is closer to the truth in terms of his knowledge and religious commitment.

If the two men are equal in terms of knowledge and religious commitment, in his view, then in this case some of the scholars said that he should follow that which is more prudent, which is that which is more strict.

However it was also suggested that he should follow that which is easier, and this is the correct view, because if the fatwas are equal in terms of evidence, then you should follow that which is easier, because the religion of Allah, may He be glorified and exalted, is based on ease and simplicity, not on hardship. ‘Aa’ishah (may Allah be pleased with her) said, describing the Prophet

(blessings and peace of Allah be upon him): he was never given the choice between two things but he chose the easier of the two, so long as it was not a sin. End quote.

Based on that, it is not permissible for you to follow the view of one who gives a concession, unless the following two conditions are met:

1. that he has not gone against the majority of scholars of the earlier and later generations, for they are undoubtedly more knowledgeable and more pious, and it is their views that people should follow;

2. that the evidence of both views should be of equal strength. In that case you may follow the easier of the two views.

And Allah knows best.

You can also refer to previous answers on this topic on our website, under the following numbers: 9516, 22652 and 30842.

And Allah knows best.