215535 - What is required of the ordinary Muslim is to follow the scholars of his city and not to follow any view other than theirs

the question

Is it permissible for the ordinary Muslim to ask any scholar for a fatwa, or must he seek fatwas from the scholars of the city in which he lives only?

Detailed answer

Praise be to Allah.

People fall into three categories:

The first category:

The scholar who is qualified to engage in ijtihad. This refers to one who has the ability to work out rulings by referring directly to the texts of the Qur’an and Sunnah. It is not permissible for him to follow any of the scholars; rather he should follow where his ijtihad leads, whether it is in harmony with the view of the scholars of his time or otherwise.

The second category:

The seeker of knowledge who has spent time in acquiring a great deal of knowledge, to the extent that he has the ability to weigh up scholarly views and determine which is more likely to be correct, even if he has not reached the level of being able to work out rulings through his own ijtihad. He does not have to follow any of the scholars; rather he can compare the views of scholars and their evidence, and follow whatever seems to him to be the view that is more likely to be correct.

The third category:

Ordinary people, who are those who do not have sufficient Islamic knowledge to qualify them to examine scholarly views to determine which is most likely to be correct. They cannot derive rulings directly from the texts of the Qur'an and Sunnah, and they cannot weigh up scholarly views. Therefore, what is required of them is to ask the scholars and follow their views. Allah, may He be exalted, says (interpretation of the meaning): *{So ask those who have knowledge if you do not know} [an-Nahl 16:43]*.

They must follow the scholars of their own time, and indeed the scholars of their own city, so as not to open the door to choosing whichever scholarly view they wish – because they are not qualified to determine which view is more likely to be correct – because then they would always choose the easiest option and that which is in accordance with their whims and desires. This in turn would lead to a lot of disputes and differences, and people will gradually try to avoid following the rulings of religion.

The scholars have discussed these three categories of people.

Regarding the first and second categories, at-Toofi said in *Mukhtasar ar-Rawdah* (3/629):

If the mujtahid determines that the correct ruling is most likely to be such and such, it is not permissible for him to follow the view of others, and there is no difference of scholarly opinion concerning that.

As for the one who has never looked at a particular issue before and come up with a ruling, but he is able to determine the ruling by himself, because he is qualified to engage in ijtihad and work out rulings on the basis of his own reasoning, it is not permissible for him to follow others at all, whether one who is more knowledgeable than him or anyone else, and not even the Sahaabah (may Allah be pleased with them) or anyone else. End quote.

With regard to the third category of people, namely the ordinary Muslims, it says in *Tanqeeh al-Fataawa al-Haamidiyyah* (7/431): Note: What the ordinary Muslim should do is adhere to the view of the fuqaha' and follow them in word and deed… The ordinary Muslim has no right to pick and choose between the views of earlier scholars, but he may choose from the views of contemporary

scholars, if they are all the same in terms of knowledge, truthfulness and honesty. If someone asks about an issue and the scholars gave him the views of the Sahaabah, the one who is lacking in knowledge cannot choose one of them until the scholar chooses for him on the basis of evidence. End quote.

Shaykh Ibn ‘Uthaymeen (may Allah have mercy on him) said: People vary. Some of them have reached the level of being able to engage in ijtihad and some have not. Some of them may reach the level of being able to engage in ijtihad in some issues, so he can study, research and reach the truth concerning those issues, but not others. Some people do not know anything. In the case of the ordinary Muslims, their madhhab is the madhhab of their scholars. Hence if someone says to us: I smoke cigarettes, because in some other Muslim countries there are scholars who say that it is permissible, and I am free to follow the view of any scholar, we say: That is not permissible for you, because what is required of you is to follow the scholars, and the scholars who are most deserving of your following them are the scholars of your own country. If you follow someone outside of your country, that will lead to chaos with regard to matters concerning which there is no shar‘i evidence. If someone says that he wants to shave his beard, because some of the scholars in other countries say that there is nothing wrong with that, we say to him: That is not allowed. What is required of you is to follow (the scholars of your country) and not go against their views. If he says: I want to circumambulate the graves of the righteous, because some of the scholars of other countries say that there is nothing wrong with that, or he says: I want to seek to draw close to Allah through them (the righteous), and the like, we say: That is not allowed. What is required of the ordinary Muslim is to follow the scholars of his city whom he trusts. This was discussed by our shaykh, ‘Abd ar-Rahmaan ibn Sa‘di (may Allah have mercy on him), who said: The ordinary Muslims are not allowed to follow scholars outside their own country, because this will lead to chaos and disputes. If he says: I do not do wudoo’ after eating camel meat, because there are scholars in other countries who say that it is not obligatory to do wudoo’ in that case, we say: That is not allowed; you must do wudoo’ (after eating camel meat), because this is the view of your scholars, and you are following them.

End quote from *Liqaa’aat al-Baab al-Maftooh* (32/19).

He (may Allah have mercy on him) also said: With regard to the ordinary people, they must follow the view of the scholars of their country, so that the ordinary people will not think that they are free to choose whatever they like. That is because if we say to the ordinary Muslim: You can follow any view you come across, the community will not be united. Hence our shaykh, ‘Abd ar-Rahmaan ibn Sa‘di (may Allah have mercy on him) said: The ordinary Muslims should follow the madhhab of their scholars. So for example, here in the Kingdom of Saudi Arabia, our view is that women must cover their faces, and we oblige our women to do that, to the extent that if a woman says to us: I want to follow such-and-such a madhhab, according to which uncovering the face is permissible, we say: You cannot do that, because you are an ordinary Muslim and have not reached the level of being qualified to engage in ijtihad; you want to follow this madhhab because it gives you a concession, and seeking out concessions is haraam. But if a scholar whose ijtihad is sound concludes that there is nothing wrong with a woman uncovering her face, and he says: I will allow my wife to uncover her face, we say: There is nothing wrong with that, but she should not uncover her face in a country where the women cover their faces, and he should not be permitted to let her do that, because it will encourage other women, and because it is an issue concerning which there is consensus that covering the face is more appropriate. As covering their faces is more appropriate, if we oblige him to follow that view, we will not be obliging him to do something that is haraam according to his madhhab; rather we will be obliging him to follow that which is more appropriate according to his madhhab. And there is another reason for that, which is so that others in this conservative country will not follow his view, as that would lead to disunity. But if he goes to his own country, we will not oblige him to follow our view, so long as the issue is subject to ijtihad and may be subject to further examination of the evidence to find out which view is more likely to be correct.

End quote from *Liqaa’aat al-Baab al-Maftoohah* (32/19).

And Allah knows best.