390941 - Response to those who say: I refer directly to the Qur’an and Sunnah, with no need for scholars

the question

How should I respond to what some of my relatives say? When I tell them about the views of the scholars which explain to them that some of the things they do are haram, with evidence, they say: We learn our religion directly from the Qur’an and Sunnah, with no need for the scholars, because everyone can understand the Qur’an and Sunnah however he wishes, but these scholars are male and issue fatwas to suit the whims of men, and that undermine the rights of women. One time I even heard them saying words harshly criticising one of the scholars of Ahl as-Sunnah – Allah forbid.

Detailed answer

Praise be to Allah.

The ordinary Muslim cannot derive rulings himself from the Qur’an and Sunnah, because he is not qualified to do that.

That is because deriving rulings requires knowledge of what constitutes evidence and how rulings are to be derived from it. This requires knowledge of issues on which there is consensus; what abrogates and what is abrogated (*an-nasikh wa’l-mansukh*); what is general and what is specific; what the text says and what the intended meaning is; what is sound (sahih) and what is weak (da‘if); how to work out what is more likely to be correct when there is an apparent conflict in the religious texts; when a command means that something is obligatory and when it means that something is recommended; and when a prohibition means that something is forbidden (haram) and when it means that it is disliked (makruh). How can the ordinary Muslim know this? Indeed it is beyond the ability of many seekers of knowledge.

If this matter was something that is possible for everyone, Allah, may He be exalted, would not have said (interpretation of the meaning):

{So ask the people of knowledge if you do not know} [an-Nahl 16:43].

People fall into two categories: those who have knowledge, whose role is to examine the texts and derive rulings from them; and ordinary people who follow the scholars and have no choice except to ask those who have knowledge.

Imam Ahmad (3056) and Abu Dawud (337) narrated that Ibn ‘Abbas said: A man sustained an injury at the time of the Messenger of Allah (blessings and peace of Allah be upon him), then he had a wet dream, so he was instructed to do ghusl, so he did ghusl and died as a result. News of that reached the Messenger of Allah (blessings and peace of Allah be upon him) and he said: “They killed him, may Allah kill them! Isn’t the remedy for one who does not know to ask?”

They applied the apparent meaning of the religious text, which is that one who has a wet dream must do ghusl, and they did not act upon the concession, the evidence for which may be derived from other religious texts.

One who is not qualified may base his conclusion on a verse when the ruling based on that verse has been abrogated, or is specific or restricted to certain situations.

Or he may quote a hadith that turns out to be da‘if (weak), or there is scholarly consensus that it is not to be acted upon, or it is specific or restricted to certain situations.

The Companions, who had greater knowledge than anyone else, were not all qualified to derive rulings directly from the religious texts. Hence they would refer to the scholars among them, such as Mu‘adh, Ibn Mas‘ud, Ibn ‘Abbas and Ibn ‘Umar. From that developed the schools of jurisprudence, from which in turn the four madhhabs and others evolved.

If the ordinary people were able to learn how to do ghusl and wudu’ properly and pray properly, without referring to the scholars, they would have attained a high level of achievement, but that is not possible at all for them.

Perhaps one woman has a question about menses so she goes around to many seekers of knowledge but is unable to find an answer to her question, so how about if she wants to work out the ruling by herself?

Islamic knowledge, like all other specialties, requires one to study and become qualified, and it cannot be learned from popular culture or superficial thinking.

To make these people understand, several things are required:

1. You should give them a surah from the Qur'an and several hadiths [that speak of rulings] and test their understanding of the texts, so that they will realise that they need to read books which explain these texts. This understanding of the texts is several degrees lower than the level of deriving rulings, because deriving rulings requires knowledge of what we have discussed above, namely usul al-fiqh.

2. You should give them one of the books of tafsir and one of the commentaries on hadith, so they will realise how much effort and study is required to understand these commentaries, let alone derive rulings from the texts.

3. You should explain to them and make them understand that they are slaves of Allah and they should accept and comply with the rulings of Islam. They should understand that Allah is just and never wrongs any of His creation, and that He has prescribed for His slaves what is good for them, for He has the best knowledge of them. Once that is instilled in their hearts, all their doubts will be dispelled. For we do not have any such thing as fiqh that is pro-men and fiqh that is pro-women; no respectable scholar would be biased towards men in his verdicts or undermine the rights of women, who are his mother, his daughter, his sister and his wife!

4. You should list the issues to which these women are objecting and seek out evidence for them in the Qur'an, Sunnah, scholarly consensus and the views of the Companions, so as to dispel any doubts from their minds and so that it will become clear that the scholars did not go beyond what is mentioned in the texts and did not state any view to appease the wrongdoers or that is in accordance with whims and desires.

You can make a list of these issues and ask scholars about the evidence regarding them, one by one. If these women trust the religious texts and accept them, and they do not trust the understanding of the scholars, you should present them with the religious texts that contain evidence, to see whether they accept them or not.

We ask Allah to guide your relatives and bring them back to Him.

For more information, please see the answers to questions no. 386457 and 198487 .

And Allah knows best.