

Necessity to Refer to the Qur'aan and Sunnah

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بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

It is necessary to refer all matters of disagreement between Muslims to Allaah and His Messenger, sallallaahu 'alayhi wa sallam. This is important for the Muslim to know and implement because it indicates the complete submission to Allaah without which one would not be a Muslim.

Allaah says,

"If you differ in anything among yourselves, refer it to Allaah and His Messenger, if you believe in Allaah and the Last Day. That is best and most commendable in the end" [4:59] also, He says,

"And whatever you disagree upon, its decision is with Allaah" [42:10]

Ibn al-Qayyim said, "Based on these verses, scholars have agreed that referring to Allaah means referring to His Book, and referring to the Messenger, sallallaahu 'alayhi wa sallam, means referring to him in person when alive, to his Sunnah after his death." The first verse of Soorah an-Nisaa (Soorah 4), is also proof that the Sharee'ah has been perfected and completed. Ibn al-Qayyim commented on this verse, "It covers everything that the believers may disagree upon concerning their religion, from the smallest to the greatest, whether hidden or evident. And if there were not a clear solution to their disagreement in Allaah's Book and His Messenger's Sunnah, or if they were not enough for that, then He would not have ordered us referral to them."

Sharee'ah is the Judge and is not to be judged: This is its power and its role. This means that the Sharee'ah rules and judges whether people's sayings and doings are correct or not. It judges between them when in conflict and disagreement. It confirms the right and abolishes the falsehood. This fact sometimes is violated through some wrong practices:

Fanaticism: The fanatics in the different Madhahib, schools of thought, judge the Qur'aan and Sunnah by what their Imaam say. For example, Abul Hassan al-Karkhy, a prominent Hanafi Imaam, said, "Every verse 'in the Qur'aan' that differs with our Madhhab's understanding is either wrongly interpreted or abrogated, and the same applies to every hadith as well."

Democracy: Today, one of the ugly examples of people taking the Divine Sharee'ah into their own hands, is the one related to the so-called democracy by taking people's opinion, directly or through their parliament, about implementing the Islamic Laws. The essence of this is subjugating the implementation of the Creator's Sharee'ah to the will of His creatures or rendering it to a mere choice like any human-set constitution or laws. This is total and clear disbelief, Kufr.

In explaining the Islamic Aqeedah, Imaam at-Tahawi said, concerning the one who rules with

other than Allaah's rule, "If he thought that ruling in accordance with what Allaah has descended is not mandatory and that he has a choice in it, or he belittled it, while certain that it is Allaah's judgement, then he has committed Kufr, disbelief." No one from this Ummah is faultless except the Prophet, sallallaahu 'alayhi wa sallam. And so Allaah ordered us, when in conflict, to refer to Him and to His Messenger, sallallaahu 'alayhi wa sallam, and not to refer to anyone else's opinion or saying or laws. Hence it is understood that there can be fault in anyone's sayings except the sayings of Allaah and His Messenger, sallallaahu 'alayhi wa sallam. This also indicates that the claim of some sects that their Imaams are faultless is baseless.

Asserting this principle, Imaam Malik said, "Any one's sayings may be corrected except those of the Prophet, sallallaahu 'alayhi wa sallam." And similar statements were quoted from Abu Hanifa, Ahmed, Shafi'ee and others although their exact words may differ a little. Allaah says, "Had it been from other than Allaah, much discrepancy would have been found" [4:82]

The referral to the Qur'aan and the Sunnah has to be done by those who qualify for it, the scholars, Allaah says, "If you do not know, ask of those who possess the Message." [16:43]

With regards to asking the scholars and referring to them, we caution the Muslims from two types of scholars:

1) Scholars who are deeply buried under their books and have lost contact with the outside world. Ibn al-Qayyim said, "The Mufti and the Governor cannot govern fairly unless they have two kinds of knowledge. The first is the understanding of the reality, being totally involved in it and being able to derive facts from what happened using evidence, indications and signs, until they are totally informed. The second is the understanding of Allaah's rulings depicted in His Book or through the sayings of His Messenger, sallallaahu 'alayhi wa sallam, and understanding how to apply them to the reality under consideration."

Also, Abu Batah al-Akbari said, "Imaam Ahmed said, 'It is not acceptable for a man to establish himself as Mufti unless he has five characteristics. First, he must have the intention. If he does not have an intention, there will be no light in him or in his speech. Second, he must have the knowledge, tolerance, dignity and tranquility. Third, he has to be sure of his speech and his knowledge. Fourth, he must be self sufficient (financially). If not he will be used by people. Fifth, he must know the people.' "

Ibn al-Qayyim commented on this saying, "Knowledge of the people is a great trait that every Mufti and Governor should have. They should be involved with the people, be very knowledgeable in enjoining the good and forbidding the evil, and then applying the one to the other. Otherwise they will do more harm than good. If they are not knowledgeable about people, they might mistake the oppressor for the oppressed and the rightful for the wrong-doer, and vice versa. If they are ignorant of the people, their circumstances and their customs, they will not be able to distinguish between the good and the bad. They have to be very knowledgeable in people's cunning, deception, fraud, customs and traditions. A fatwah is subject to change depending on the time, place, customs and traditions and that is all from Allaah's religion."

2) Scholars who sell themselves for worldly possessions. The Messenger of Allaah, sallallaahu 'alayhi wa sallam, said, *"Keenness on money and worldly belongings will ruin someone's religion more effectively than a couple of hungry wolves can ruin in a herd of sheep, if left alone with it."* (Daremi)

Ibn al-Qayyim said, "When people of knowledge prefer this worldly life and love it, they will definitely say what is not true about Allaah, in their fatawa, judgments, sayings and actions." This is due to the fact that Allaah's rulings are not always in accordance with people's desires especially those in positions of power and those who follow dubious paths. Their needs are always fulfilled in disagreement with the Truth. If the scholars and Governors have a liking to power and follow dubious paths, they will have their way only by using what opposes the truth. Beware of these two types of scholars. Those who have lost contact with reality and those who prefer worldly affairs especially in matters concerning jihad, enjoining the good and forbidding the evil, and everything that concerns tyrant rulers. Ibn Taymiyyah has described both types of scholars in one saying, "It is imperative, concerning jihad, to take the opinion of the true religious people who have experience in real life, not the people who love this world and whose views on religion are not in depth. Their opinions and the opinions of those scholars who lack contact with reality and life