

138348 - Some thoughts on the phrase Fiqh al-Waaqi' (understanding reality)

the question

Is there such a thing called fiqh al-waaqi' (understanding reality) or variation in fatwas according to time and place? Is there any proof for that in the Qur'aan and Sunnah? Please advise us, may Allah bless you and reward you with good.

Detailed answer

Firstly:

The phrase fiqh al-waaqi' refers to two things:

1.

Understanding the circumstances of the person who asked for the fatwa, his situation and the situation of his country. No fatwa concerning issues of jihad should be issued in any country before the mufti has a full picture of the situation in that country. Similarly, he should not issue a fatwa concerning anything that has to do with computers and the Internet, unless he has knowledge of these things and what happens in them.

2.

Understanding what is going on in the world of current events, political analysis, finding out about the enemies' plots by reading their books and newspapers and following their plans to conquer the country or spread corruption.

With regard to the use of this phrase in the first sense, we say:

There is no doubt that the issuing of a fatwa requires the mufti to have an understanding of the Qur'aan and Sunnah, and scholarly consensus, and he should also understand the realities of people's situations, time and place, otherwise his fatwa may not meet the

people's needs or may be beyond their ability to implement it because it is far away from the reality of which that mufti is unaware.

Ibn al-Qayyim (may Allah have mercy on him) said:

The mufti or judge is not able to issue a fatwa or verdict without understanding two things:

(i) Understanding and having a good grasp of reality: he should have a good understanding of what is happening, on the basis of circumstantial evidence and other signs, so that he has a full understanding of it.

(ii) Understanding what is required in the light of these circumstances, which means understanding the ruling of Allah that He issued in His book or on the lips of His Messenger concerning this reality, then he should apply the one to the other.

I'laam al-Muwaqqi'een, 1/87

The respectable scholars applied this to many fatwas, such as that issued by Shaykh al-Islam Ibn Taymiyah, when he was asked about fighting the Tatars even though they bore witness that there is no god but Allah. He said:

Yes, it is obligatory to fight them on the basis of the Book of Allah and the Sunnah of His Messenger, and the consensus of the imams of the Muslims. This is based on two principles: knowledge of their reality and situation, and knowledge of the rulings of Allah concerning people like them.

With regard to the first principle: everyone who is in contact with these people knows their situation; the one who is not in contact with them will only know that from what he hears of authentic reports and honest news. We will explain about their situation after explaining the other principle, knowledge of which is limited to people who have knowledge of Islamic sharee'ah. So we say:

Every group that rejects one of the tangible, practical laws of sharee'ah that are proven on the basis of tawaatur must be fought, according to the consensus of the imams of the

Muslims.

Majmoo' al-Fataawa, 28/510

Secondly:

With regard to fiqh al-waaqi' in the second sense, there are people who go to one extreme or another, exaggeration or neglect, concerning this matter. Hence we say:

Some of those who got involved in this type of fiqh went to extremes, to the extent that this type of understanding took precedence over proper, shar'i fiqh in their minds. Some of them even went so far as to adopt this fiqh and regard it as being obligatory for the scholars of sharee'ah and the fuqaha'. Some of them accused many of the shaykhs and scholars of not understanding reality and not having enough knowledge of it; on the other hand, there is a group who disallow paying attention to events happening around the world. But the best of matters are those that take a middle course.

Shaykh al-Albaani (may Allah have mercy on him) said:

During that turmoil there were some people who brought up the issue which is called fiqh al-waaqi'. I do not disagree in principle with this concept for which they came up with this name of fiqh al-waaqi', because many of the scholars stated clearly that those who lead the ummah and give answers to solve its problems should have knowledge and understanding of circumstances and realities. Hence one of their famous sayings is: The ruling on a thing is a projection of one's understanding of it, and that cannot be achieved except by understanding the circumstances surrounding the issue for which they have to give an answer. This is one of the bases of giving rulings and fatwas in particular, and is one of the principles of knowledge in general. So fiqh al-waaqi' means understanding what concerns the Muslims with regard to their own affairs or the plots of their enemies, so as to warn them or help them to progress in a real sense and not just in theory when focusing on news of the kuffaar or focusing totally on their analysis and ideas. Understanding reality in order to reach the shar'i ruling is an important duty that a specialised and smart group of seekers of knowledge have to do. This is just like any other branch of knowledge, whether it has to

do with sharee'ah, social sciences, economics, military matters or any other branch of knowledge that is of benefit the Muslim ummah and will bring it back to its position of glory and leadership, especially when these branches of knowledge are developing from one time and place to another.

But we have heard and seen that many young Muslims are confused with regard to this type of knowledge that we referred to above by the name of fiqh al-waaqi'. They have, unfortunately, divided into two groups; some went to extremes with regard to this matter and others fell short. Now you can see and hear — from those who exaggerate about the importance of fiqh al-waaqi' and raise it above its rightful level — that they want every scholar of sharee'ah to be knowledgeable about what they call fiqh al-waaqi', and the opposite is also applicable to them. They give the impression to those who listen to and support them that anyone who has knowledge of what is happening in the Muslim world has good understanding of the Qur'aan and Sunnah and is following the path of the righteous Salaf! But that is not necessarily the case, as is quite obvious. We cannot imagine the existence of a man who is perfect in all senses, i.e., one who could have knowledge of all the branches of knowledge referred to and discussed above.

So what is required is for those who have devoted themselves to knowing the reality of the Muslim ummah and the plots that are made against it is for them to cooperate with the scholars of Qur'aan and Sunnah, according to the way of the early generations of this ummah, so that the former may present their understanding and ideas and the latter may issue the Islamic ruling on them, based on sound evidence and proof. As for the one who speaks of fiqh al-waaqi' being regarded in the minds of his listeners as a scholar or mufti for no other reason than that he is speaking to them on the basis of this "fiqh", this cannot be correct in any way, because his words may be used as a reason to reject the fatwas of the scholars and their views and rulings.

Su'aal wa Jawaab hawla Fiqh al-Waaqi', p. 14-16

And he (may Allah have mercy on him) said:

So it is as Allah says (interpretation of the meaning): “Thus We have made you [true Muslims — real believers of Islamic Monotheism, true followers of Prophet Muhammad صلى الله عليه وسلم and his Sunnah (legal ways)], a just (and the best) nation” [al-Baqarah 2:143].

Fiqh al-waaqi’ in the correct shar’i sense is undoubtedly something obligatory, but that is a communal obligation (fard kifaayah): if some of the scholars undertake it, the obligation is waived for the other scholars, let alone seekers of knowledge and let alone the ordinary Muslims.

Hence moderation is essential when calling upon Muslims to be aware of fiqh al-waaqi’, and we should not overwhelm them with political news and analysis of western thinkers. Rather what is needed — always — is to focus on purifying Islam from any contamination, then to educate the Muslims — collectively and individually — in this pure Islam and to bring them back to the original message: the Qur’aan and Sunnah according to the understanding of the early generations of the ummah.

Su’aal wa Jawaab hawla Fiqh al-Waaqi’, p. 25

Shaykh Saalih al-Fawzaan (may Allah preserve him) said:

As for focusing on contemporary reality — or fiqh al-waaqi’ — this can only be done after attaining understanding of sharee’ah, because it is on the basis of understanding sharee’ah that one should look at people’s real-life situation and what is happening in the world of ideas and opinions, and measure them against sound shar’i knowledge, in order to distinguish between which of these things are good and which are bad. Without shar’i knowledge one cannot distinguish between truth and falsehood, guidance and misguidance. The one who starts initially by focusing on current affairs, newspaper articles and political issues, and has no understanding of his religion, will be led astray by these matters, because most of them are based on misguidance, the call to falsehood, fancy words and temptations. We ask Allah to keep us safe and sound.

Al-Muntaqa min Fataawa al-Shaykh al-Fawzaan, 1/297

See the comments of Shaykh ‘Uthaymeen on this issue in the answer to question no.

[76010](#)

Thirdly:

For more information of what is meant by the idea of variations in fatwas according to time and place, which has previously been discussed in detail, please see the answer to question no. [What is meant by variations in fatwas according to time and place].

And Allah knows best.