103339 - Should every country be obliged to follow a particular madhhab (school of thought)?

the question

Should every country be obliged with a specific school of thought? Should it be the only school of thought to be taught in this country, not any other madh-hab? I mean to teach the rulings prescribed by a specific school of thought regardless the other opinions? May Allah reward you!.

Detailed answer

With regard to ijtihaad and taqleed, people in a country fall into two categories:

1 – The scholars and mujtahids who have reached a level of shar'i knowledge where they have the tools of ijtihaad and instinbaat, whereby they are able to derive rulings. Their duty is to follow the truth wherever they see it, on the basis of evidence.

2 – The vast majority of people – those who have not specialized in study of shar'i sciences or have not reached the level of being able to engage in ijtihaad and being qualified to issue fatwas. These are the majority of people, or those who are educated and specialized in other fields of knowledge.

Their duty – in both shar'i and natural terms – is to ask the people of knowledge and take from them. We see this in the words of Allaah (interpretation of the meaning):

"So ask of those who know the Scripture, if you know not"

[al-Nahl 16:43]

So the people of each country are obliged to ask the scholars and follow their fatwas, but they are not to follow absolutely in the sense that they regard the one whom they follow as infallible and sacred, with the right to legislate and decide religious issues on the basis of their own ideas– as happened among the Jews, Christians, Raafidis, extreme Sufis and Baatinis – because that is

going beyond the bounds of religion and taking rivals and gods besides Allaah, and Allaah says (interpretation of the meaning):

“They (Jews and Christians) took their rabbis and their monks to be their lords besides Allaah (by obeying them in things which they made lawful or unlawful according to their own desires without being ordered by Allaah), and (they also took as their Lord) Messiah, son of Maryam (Mary), while they (Jews and Christians) were commanded [in the Tawraat (Torah) and the Injeel (Gospel)] to worship none but One Ilaah (God — Allaah) Laa ilaaha illa Huwa (none has the right to be worshipped but He). Praise and glory be to Him (far above is He) from having the partners they associate (with Him)”

[al-Tawbah 9:31]

The idea behind obliging people to follow the fatwas of the scholars is to enable them to learn the rulings of sharee’ah via the specialists who have studied the principles and usool of sharee’ah and have reached the stage of being qualified in that field of knowledge based on evidence, not sanctity given in the name of the Lord or in the name of “sainthood” and other such false notions.

Ibn Taymiyah said in Majmoo’ al-Fataawa (20/211):

Allaah has enjoined upon mankind to obey Him and obey His Messenger (peace and blessings of Allaah be upon him), but He has not enjoined upon this ummah to obey anyone in particular in all that he enjoins or forbids, apart from the Messenger of Allaah (peace and blessings of Allaah be upon him). Even the Siddeeq of this ummah and the best of them after its Prophet (i.e., Abu Bakr) said: “Obey me so long as I obey Allaah, but if I disobey Allaah, then you are not obliged to obey me.” They are all unanimously agreed that there is no one who is infallible in all that he enjoins or forbids except the Messenger of Allaah (peace and blessings of Allaah be upon him). Hence more than one of the imams said: The words of any person may be adopted or abandoned except the Messenger of Allaah (peace and blessings of Allaah be upon him). End quote.

Secondly:

There remains the question of defining the scholars or scholarly references who are to be relied upon.

We may say that there are two scholarly sources to whom reference should be made at an ummah-wide level and at an individual level. They are:

1.Contemporary resources, represented by fiqh councils and sharee'ah committees which are established by trustworthy religious scholars; individual scholars who are qualified and specialized in shar'i sciences, from whom the people should learn and benefit from their guidance, especially with regard to issues in people's daily lives and in novel, contemporary issues, and also with regard to matters which need to be reviewed and thoroughly re-examined in the light of shar'i and rational evidence, paying attention to people's interests and warding off evils, alleviating difficulty and avoiding hardship, in cases where following one of the four madhhabs may cause difficulty and hardship, because one of the basic aims of sharee'ah is to make things easy, not cause hardship.

2.Classical resources, namely the four well known madhhabs, the Hanafi, Maaliki, Shaafa'i and Hanbali. These resources are more deserving of being followed and their teachings adhered to, because the laws that people agree to refer to and use to judge between themselves; the curriculum that is decided for seekers of knowledge in halaqahs and schools and at different academic stages that those who specialize in sharee'ah and fiqhi knowledge go through; the legacy which should be well established in people's minds, and form their fiqhi culture; the source that everyone who does not have the opportunities that the mujtahideen have to study many issues and reach a conclusion concerning it; and the discipline that puts an end to conflicts and disputes in society and blocks the door to whims and desires and weird opinions – all of that is represented in the four madhhabs, which is the greatest reason why they should be followed.

Al-Haafiz ibn Rajab says in his essay entitled al-Radd 'ala man attaba'a ghayra al-Madhaahib al-Arba'ah (2/624) (which was published in a collection of his essays):

The wisdom of Allaah dictated that this religion and its guidelines should be protected by means of appointing leaders of the people concerning whom the ummah is unanimously on their knowledge and understanding, and that they reached the highest level of knowledge of rulings and fatwas among ahl al-ra'y wa'l-hadeeth. So the people became dependent on them for fatwas, and referred to them to understand rulings. So Allaah guided them to set guidelines for their madhhabs and explain foundations and principles, so that the madhhab of each imam has its own guidelines, principles and categories, in the light of which rulings and issues of halaal and haraam are to be understood.

This is by the mercy of Allaah towards His slaves, and it is one of the ways in which He preserves this religion.

Were it not for that, people would have seen strange things, whereby every fool who was filled with self-admiration could have tried to mislead the people; so you would have seen such fools claiming to be great imams, saying that they were the guide of this ummah and the only ones to whom people should refer and rely on, to the exclusion of all others.

But by the mercy and grace of Allaah, this door, which could have lead to grave danger, has been blocked and these great evils have been kept away. That is a sign of His great mercy and kindness towards His slaves.

Despite this, there are still those who claim to have reached the level of ijtihaad and talk about issues of knowledge without following any of these four imams.

The claims of some of them may be accepted because of evidence which proves their claims, and others may be rejected. As for those who did not reach this level, they have no choice but to follow those imams and join in what all the ummah joined in. End quote.

He also said (2/628):

If it is asked: What do you say about the fact that Imam Ahmad and other imams forbade imitating or following them, or writing their words, as Imam Ahmad said: Do not write down my words or the words of So and so; learn as we learned? This appears often in their words.

We say: No doubt Imam Ahmad (may Allaah be pleased with him) told them not to study the opinions of the fuqaha' and spending time on memorizing them and writing them down, and he enjoined instead: spending time on studying the Qur'aan and Sunnah, seeking to memorize and understand and write and study them; writing down the reports of the Sahaabah and Taabi'een rather than the words of those who came after them; determining which reports were sound and which were unsound, what may be followed and what is odd and should be rejected. No doubt this is what one should pay attention to and spend one's time learning, before anything else.

Whoever studies that and attains a high level of knowledge – as Imam Ahmad enjoined people to do – his knowledge will become close to that of Ahmad. For this person there are no restrictions, and we are not speaking about him here. Rather what we are speaking about is restraining those who have not reached this pinnacle, who understand only a little, as is the case with people nowadays, and as has been the case for a long time; even though many claim to have reached this pinnacle, most of them have not progressed beyond a beginner level.

The one who studies the history of fiqh and legislation will realize that throughout all stages it was built on the efforts of some scholars who became known among people for their knowledge, and news of their virtue and piety spread far and wide, then people began taking religious rulings from them, in most cases referring to their statements and fatwas.

Ibn al-Qayyim said in I'laam al-Muwaqqi'een (1/17):

Religion, fiqh and knowledge became widespread in the ummah, narrated from the companions of Ibn Mas'ood, the companions of Zayd ibn Thaabit, the companions of 'Abd-Allaah ibn 'Umar and the companions of 'Abd-Allaah ibn 'Abbaas. Most of the knowledge that the people have comes from the companions of these four. For the people of Madeenah, their knowledge came from the companions of Zayd ibn Thaabit and 'Abd-Allaah ibn 'Umar. For the people of Makkah, their knowledge came from the companions of 'Abd-Allaah ibn 'Abbaas. For the people of Iraq, their knowledge came from the companions of 'Abd-Allaah ibn Mas'ood. End quote.

The scholar and commentator Ahmad Pasha Taymoor (may Allaah have mercy on him) said in al-Madhaahib al-Fiqhiyyah al-Arba'ah (16-17): Before the emergence of these madhhabs, at the time of the Sahaabah and Taabi'een, fatwas were taken from the qurra's among them, who were the bearers of the Book of Allaah and understood its meanings. When their era finished and the generation of the Taabi'een came after them, the people of each country followed the fatwas of the Sahaabah who had been among them, and they did not go beyond that except in a few matters that reached them from others. So the people of Madeenah for the most part followed the fatwas of 'Abd-Allaah ibn 'Umar; the people of Kufah followed the fatwas of 'Abd-Allaah ibn Mas'ood; the people of Makkah followed the fatwas of 'Abd-Allaah ibn 'Abbaas; and the people of Egypt followed the fatwas of 'Abd-Allaah ibn 'Amr ibn al-'Aas.

After the Taabi'een came the fuqaha' of the various regions, such as Abu Haneefah, Maalik and others whom we have mentioned and whom we have not mentioned. So the people of each region followed the madhhab of the faqeeh for the most part. There are reasons why some of these madhhabs spread in other lands and some became extinct… End quote.

That does not mean that one should blindly adhere to one madhhab or opinion, in the sense of obliging people to follow it to the letter without any ijtihaad or effort to correct it. Rather the point is that the school of fiqhi thought that people, seekers of knowledge and scholars should study should be taken from one of the four madhhabs. Then, if it becomes clear to one who is qualified to engage in ijtihaad that the madhhab is mistaken on a specific issue, he should reject that fatwa and follow the view that he thinks is correct from the other madhhabs.

Thus people may adhere to the academic way which was followed by the salaf and imams, and they may rid themselves of some of the negatives that resulted from ignorance and blind following.

It says in Fataawa al-Shaykh Muhammad ibn Ibraheem (2/10, tape 2):

Following one of the four madhhabs is correct, rather it is like consensus, and there are no reservations about that, such as saying that one follows one of the four, because they are qualified imams according to consensus.

People have two extremes and a moderate way with regard to that:

Some people do not think that we should follow any madhhab at all. This is wrong.

Some follow their madhhab to the letter without paying any attention to study or research.

Some people think that following a madhhab is correct and there are no reservations about it, so wherever they find stronger evidence with one of the four or with someone else, they follow it. In cases where the issue is supported by a text or is clear, no attention should be paid to the madhhabs, but if there is an issue concerning which there is no text or it is not clear, but there are some views concerning it in these madhhabs, and you see stronger evidence with a scholar who differs from these four madhhabs, then you may follow that. End quote.

It says in Fataawa al-Lajnah al-Daa'imah (5/28):

What is the ruling on restricting oneself to the four madhhabs and following their opinions in all circumstances and at all times?

Answer:

-The one who is able to derive rulings directly from the Qur'aan and Sunnah should derive them as those who came before him did. There is no justification for him to follow a view when he believes that the correct view is something opposite. Rather he should follow what he believes is true. It is permissible for him to follow (another scholar) with regard to that which he is not able to work out himself and he needs an answer concerning it.

-It is permissible for one who is not able to derive rulings to follow one whom he feels comfortable following. But if he feels any sense of unease he should ask until he feels comfortable.

-From the above it is clear that their views should not be followed in all situations and at all times, because they may be wrong; rather the truth of what they say, for which there is evidence, should be followed. End quote.

It also says (5/54-55):

All of these came after the Messenger of Allaah (peace and blessings of Allaah be upon him) and were among the best people of their time (may Allaah be pleased with them). They strove hard to base their rulings on the Qur'aan and the ahaadeeth of the Messenger (peace and blessings of Allaah be upon him). That on which the Sahaabah (may Allaah be pleased with them) were unanimously agreed and which they explained to the people is the truth. Their views have been transmitted to us and have spread among Muslims in all lands. Many of the scholars who came after them followed them because they trusted them and felt comfortable entrusting their religious commitment to them, because they agreed on the general principles that they followed and spread their views among the people. Those who followed them of the ordinary people and acted according to what they learned of their views may be attributed to the ones they followed. Yet (the ordinary Muslim) has to ask those whom he trusts of the scholars of his own era and cooperate with them in order to understand the correct view on the basis of evidence.

From the above it is clear that they are followers of the Messenger (peace and blessings of Allaah be upon him), and the Messenger is not a follower of them. Rather what he brought from Allaah of the laws of Islam is the basis to which all these imams and others referred. Any Muslim may be called haneefi because he follows the easy haneefi way which is the way of Ibraaheem and the way of our Prophet Muhammad (peace and blessings of Allaah be upon him).

See also questions no. 5523, 5459, 23280 and 26269.

And Allaah knows best.