

On Following a Madhhab by Shaikh Ahmad Kutty

Question

Do we follow 1 Imam or all 4 or none of them?

Answer

One of the issues that comes up so often for an answer on Islamic forums is the question of following a *madhhab*. As the issue refuses to go away, I thought of stating my answer clearly.

To start with, let me state upfront: It is not after all such a black-and-white issue as many people would want us to believe. Rather, it is definitely much more involved than that; let me explain my point of view:

1) The question of following a *madhhab* (school of jurisprudence) comes only in regard to issues of fiqh where things are not self-evident in the sources. Therefore, one needs to rely on the experts. In this case, again, the issue is not black and white: It depends about whom one is referring to.

2) The scholarly adage goes, '***a common man has no madhhab***', for his madhhab is that of his teacher or *mufti*. For what is required of him to do is to rely on those who are more knowledgeable than him. Since he possesses no knowledge to base such a decision on, it would be wrong for him to say I am a *hanafi* or *shafi'i* or *hanbali* or *maliki*. To do so is not different from someone saying I am a writer, I am a doctor, etc., without any knowledge in such areas.

3) However, I must qualify what I said above by stating what some scholars (Shah Waliullah, for instance) have pointed out: Since Islam reached the people in various parts of the world through scholars, following different schools, people conveniently identify themselves as hanafites, shafi'ites, malikites, etc., For instance, people in South India (Kerala, for instance) mostly consider themselves as shafi'ites, even as those from North India often prefer to call themselves as hanafites, albeit with some exceptions.

4) *Madhhab*, however, comes into the picture when a person is embarking on the study of *fiqh*. Since no one starts with comparative jurisprudence, they start the study of a text from a specific school. It is, therefore, inconceivable at this stage for anyone to choose another school, of which he has no knowledge of.

5) A person who is thus exposed only to a single school cannot be considered an expert in *fiqh*. As one scholar put it, '***whoever is not aware of divergences of views in regard to fiqh***, they did not even smell *fiqh*'. In other words, to know fiqh is to know the differences of jurists, along with the evidence.

6) Once a person has advanced to a higher level of knowledge, where he is exposed to comparative jurisprudence and thus is aware of differences of opinion, he is not bound to follow a single *madhhab* in every issue he is faced with. He may choose the views of authorities or jurists whose rulings are the strongest, or more relevant to a specific situation, or more understandable to him, as he is not expected to recommend an opinion, if he is not quite sure of its rationale. Scholars have said, "**No one is not allowed to give fatwa by our ruling, unless he is aware of the evidence we have relied upon.**"

7) Having said this, I need to re a misconception. A person who does so must still follow the authorities, for knowledge must always be based on sound methodology; hence a person who is aware of the divergences of views would be following the authorities as he cannot follow his own whims: he can only offer advice or rulings, in compliance with acceptable methodology of *fatwa*.

8) If, however, a scholar was to simply parrot out the rulings as compiled in the books, on the pretext that he must follow a single *madhhab* in all cases, without regard to the milieu, and the specific circumstances of people, he ends up distorting rather than serving the *shari'a*. I must end this by citing an illuminating quote from Imam Ibn al-Qayyim:

'Whoever issues rulings to the people merely based on what is transmitted in the compendia despite differences in their customs, usages, times, conditions and the special circumstances of their situations has gone astray and leads others astray. His crime against the religion is greater than the crime of a physician who gives people medical prescriptions without regard to the differences of their climes, norms, the times they live in, and their physical conditions but merely in accordance with what he finds written down in some medical book about people with similar anatomies. Such is an ignorant physician; the other is an ignorant jurisconsult but more detrimental.'