

**Shaykh Mashhūr Hasan Āl Salmān**  
(*hafidhahullāh*)

## **ON THE RULING ON A PERSON HAVING TO FOLLOW ONE OF THE FOUR MADHHABS IN USŪL UL-FIQH AND 'ILM ISTINBĀT AL-AHKĀM<sup>1</sup>**

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This brother from London asks a question which in reality needs a long explanation but I will condense the answer as much as I am able:

“I hope that you can clarify to me an issue which is going through my mind: is it obligatory for a person to follow one of the four madhhabs in Usūl ul-Fiqh and 'Ilm Istinbāt al-Ahkām (the knowledge of deducing rulings) as was the way of Shaykh Bin Bāz and Shaykh Ibn ul-'Uthaymeen who followed the Hanbalī madhhab? If the answer is no then from where does a person take 'Ilm ul-Istinbāt? And did Imām al-Albānī follow any particular Madhhab in Usūl ul-Fiqh and Istinbāt? Benefit us, may you be rewarded!”

### **Answer from Shaykh Mashhūr:**

Firstly, the basis is that the texts have legislative authority and the *manhaj* of the *Salaf* in making *istinbāt* also has legislative authority, and then after this there has to be some weighing up. Presenting the Usūl of Ahl ul-Hadeeth, which is based on the *istinbāt* of the *Salaf* and taken from *istiqrā'* (assessment, investigation and scrutiny), is an area which requires deep Atharī study and also requires *istiqrā'* wherein a person combines between knowledge of the narrations (Ilm ur-Riwāyah) and 'Ilm Usūl ul-Fiqh. Efforts in this regard however are weak, and I would like for a student of knowledge to compile the narrations that have been relayed from the *Salaf*, from the Companions and successors, the virtuous generations, and then author a book on *Usūl* wherein he chapters the statements of the Usūlīs which clarifies the Madhhab of the *Salaf* with *istiqrā'* in their way and *Usūl* in deducing rulings of the Ahkām.<sup>2</sup> With the Usūlīs there is not an Usūlī

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<sup>1</sup> From our Shaykh's Q & A session on Saturday 30 May 2009 CE: [www.mashhoor.net](http://www.mashhoor.net)

<sup>2</sup> **Translator's note:** a good book which has attempted to do this, and has comprehensively managed to do this, is the book by Shaykh Zakariyyā bin Ghulām Qādir al-Bākistānī, *Tawdeeh Usūl ul-Fiqh 'ala Manhaj Ahl ul-Hadeeth* [An Elucidation of Legal Theory According to the Methodology of Ahl ul-Hadeeth], Riyadh, KSA: Dār Ibn ul-Jawzī, Muharram 1428 AH.

Madhhab for all of the four Madhhabs which are followed. The 'Ulama of *Usūl* have two Madhhabs:

1. They say that one Madhhab follows the way of the Mutakallimeen
2. While the other follows the way of the Hanafiyyah

They differentiate between the way of the Mutakallimeen and the way of the Hanafiyyah, the way of the Hanafiyyah is based on assessing the issues and within this *Usūl* is clarified. As for the way of the Mutakallimeen then within it *Usūl* is clarified and then the issues are referred back to this *Usūl*. When there was intellectual possibilities within the imaginations of the later Mutakallimeen who were occupied in *'Ilm ul-Usūl* that which is not from *'Ilm ul-Usūl* entered within it and as a result certain terminologies arose which bore no fruits whatsoever. Rather, al-Khateeb transmits, as does a group of later scholars, that the knowledge of *Usūl ul-Fiqh* was taken and put in place in light of some sciences from Mustalah Hadeeth. *Usūl ul-Fiqh* also utilised intellectual possibilities and al-Haafidh al-Irāqī in his *Nudbm al-Iqtirāb* omitted these things as can be seen in his *Nadhm Alfīyyah*.

Therefore, what can be witnessed is that our 'Ulama in their *istinbāt* studied these issues and it is not possible to say that the 'Ulama, such as Shaykh Ibn Bāz and Shaykh 'Uthaymeen, depended upon Hanbalī Qawā'id or Hanbalī 'Ilm Usūl ul-Fiqh, this is not to be said. However, without doubt they thoroughly studied the Madhhab of Imām Ahmad because they were in an environment wherein they studied this Madhhab with their Mashāyikh. The student of knowledge begins as a Muqallid, then when Allāh blesses him with Imāmah and expanding in knowledge, he will depart from *taqleed* based on the amount of *tabqeeq* that Allāh has bestowed upon him. When Shaykh ul-Islām Ibn Taymiyyah used to work in some schools which were Hanbalī some people began to defame him for taking from these schools and taking his knowledge and sustenance from these places. In refuting them he would say:

**“I take based on my understanding and knowledge from the Madhhab of Ahmad even if I do not give rulings based upon it. Rather I give rulings based on what is more accurate according to me.”**

Therefore, *taqleed* is not knowledge and a person in the beginning of his seeking knowledge is a Muqallid due to his weakness. But if his understanding increases he departs from *taqleed*, so when his *tabqeeq*, understanding and study increases he departs from *taqleed* and as this occurs in the *Furū'* it also occurs in issues related to *Usūl* wherein there is difference. So as a scholar can take some subsidiary matters from a number of Madhāhib without *Tashabbī* (following ones desires) and without merely following *Rukbas* (concessions), then a scholar can likewise do this in *'Ilm Usūl ul-Fiqh*. The Mutakallimeen can take an *Usūl* issue and deem it to be more accurate and they

could take a principle from the *Qawā'id Fiqhiyyah* or from the *Dawābit ul-Kulliyah* from a Madhhab, or they could take a principle from another principle from another Madhhab like this.

So to conclude then, *taqleed* is not knowledge and out aforementioned 'Ulama (*rahimabullāh*), their *ijtihādāt* was within the *Furū'* and in *Usūl* within issues wherein there is the possibility of difference. However, this does not mean that studies should only revolve around this, and in reality the Madhhab of Ahl ul-Hadeeth needs to be elucidated. I found a page within *Tāreekh ul-Islam* by adh-Dhahabī wherein he states in the biography of one of the 'Ulama that “he was upon the Madhhab of Ahl ul-Hadeeth”. Towards the end of the same page he then mentions a biography of another scholar and says “he was upon the Madhhab of Ahl udh-Dhāhir”. So then you see that there are the distinguishing characteristics between Ahl udh-Dhāhir and Ahl ul-Hadeeth. Yet the Madhhabīs mix up the two and do not distinguish.

This is just like what happens today, so for example because some reformist schools of thought emerged, which do have an influence (on the Muslims) in Egypt in particular which cannot be denied, like the school of thought of Muhammad Abduh. He had a major influence on reform and opposing *taqleed* yet his school of thought which has been entitled “Salafiyyah” is not (the pristine and actual) *Salafīyyah*. He agreed with the Salafīs in regards to not making *taqleed* and the necessity of liberating the mind from the knot of *taqleed* which was all-encompassing during that time. He had an influence on many reformists in opposing *taqleed*. When I mentioned in some of my books that Muhammad Abduh and al-Afghānī were reformers and that they had an influence in revival some of the people confused what I said and said “how is this the case?” and the likes.<sup>3</sup> Now what this means is not that I support the man rather it's a study of him and the situation and opposing *taqleed* and emphasising following the *daleel* does not make a person a pure Salafī in everything. Muhammad Abduh and Jamāluddeen al-Afghānī, and especially al-Afghaanees, have things which, with all their criticisms of *taqleed*, are rejected modernist views which I have clarified in other instances within my books. Therefore, one has to take this as it comes from my tongue and from my pen within my commentaries here and there. So whoever wants to take my statements then they should not take them more than they intend, and they also have to combine this (with other statements of mine) or wait for an explanation from me regarding the matter. As for taking statements wherein I wanted to enlighten and benefit my brothers then it is not befitting to hold my statements more than I wish. I have never ever condoned the manhaj of Muhammad Abduh and al-Afghānī and I have never ever been pleased

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<sup>3</sup> **Translator's note:** This emphasises the importance of fully understanding what is being written or stated before making rash and hasty pronouncements. For the mere acknowledgement that a certain deviant has a major influence on some people does not mean that this is some sort of *tazkiyah* for the deviant, rather it is an observation based on reality.

with it even though I acknowledge that they played a role in reform and the *da'wab* of censuring *taqleed* and that as a result they influenced many notable during that time. Yet their modernist manhaj; their precedence to the *'aql* (intellect) over the *naql* (transmitted texts); their bedazzlement with Western progress; the scientific revolution; veneration of the West and allegiance to destructive sects are things which I free myself from for Allāh.