

Series of Questions Addressed to Eminent Scholar Ata Bin Khalil Abu Al-Rashtah
Ameer of Hizb ut Tahrir Through His Facebook “Fiqhi” Page

Answer to Question

The Meaning of Talfiq and Following Schools of Thought

To: Abu Alan

(Translated)

Question:

Assalam Alaikum Wa Rahmatullah Wa Barakatuh

I ask Allah (swt) first to grant you lasting good health and to protect you and your family.

I would like to ask the following questions:

1- Is adhering to a specific school of thought obligatory for Muslims, or not?

2- What is meant by Talfiq of different schools of thought? And is someone who does not adhere to a specific school considered to be engaging in Talfiq of different schools of thought?

3- What is Hizb ut Tahrir's opinion on this matter?

4- I discussed this issue with someone and told him that the obligation for a Muslim is to act according to the rulings of Islamic law, not to adhere to a specific school of thought, and that adhering to a school of thought is merely one way to act according to the rulings of Shariah. Is this statement correct in your view?

I kindly request your answer so that the matter becomes clear to me and put my heart at peace. May Allah reward you abundantly for your response.

Wa Assalam Alaikum Wa Rahmatullah Wa Barakatuh

Answer:

Wa Alaikum Assalam Wa Rahmatullah Wa Barakatuh

First, may Allah bless you for your kind prayer, and we pray with goodness for you.

As for your questions, the answers are found in details in the book, "The Islamic Personality, Volume 1", in the chapter: "Migrating From One Mujtahid to Another", pages 241-243 (Word file- Arabic):

[Migrating From One Mujtahid to Another]

Allah (swt) has not ordered us to follow any mujtahid, imam or madhhab, rather He (swt) ordered us to adopt the hukm Shar'i. He (swt) ordered us to adopt what the Messenger (saw) brought and to abstain from what He (saw) has forbidden us. He (swt) said: ﴿وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا﴾ **“And whatsoever the Messenger gives you, take it, and whatsoever he forbids you, abstain (from it)”** [TMQ Al-Hashr: 7]. Therefore, the Shari'ah does not deem it right for us to follow the people, only to follow the rules of Allah (swt). However, the reality of Taqlid has led the Muslims to follow the rules of certain mujtahids whom they have assigned as imams for themselves and they made the rules these mujtahids have deduced by their Ijtihad as a madhhab for themselves. So the Shafi'is, Hanafis, Malikis, Hanbalis, Ja'faris, Zaidis, etc., have an

actual presence amongst the Muslims. Even though these people follow the Shari'ah rules which have been deduced by these mujtahids, their action is legitimate because it constitutes following a Shari'ah rule. As for if they followed the mujtahid as a person and not his deduction, then their action is not lawful and what they follow is not considered a Shari'ah rule. This is because it is a statement of a person which is not from the orders and prohibitions of Allah (swt) which have been brought to us by the Messenger of Allah, Muhammad (saw). Consequently, all those who follow madhhabs must understand that they are following only the rules of Allah (swt) which have been deduced by those imams. If they have a contrary understanding then they will be answerable to Allah (swt) for leaving the rules of Allah (swt) and following people who are themselves the servants of Allah (swt).

This is from the perspective of following the rules of a madhhab. As for leaving these rules, it has to be examined. If someone adopted a hukm but has not acted upon it yet, then he has the right to leave it and adopt another hukm based on one of the preponderant qualifications which is linked to seeking the pleasure of Allah (swt). If he, in actuality, practised it, then this hukm has become the rule of Allah (swt) with respect to him. It is not permitted for him to leave it and adopt another hukm except when the second hukm is linked with an evidence and the first hukm is not linked to an evidence or if it was proven to him by way of learning that the evidence of the second hukm is stronger than the first and he is convinced of that. In that case, it is incumbent on him to leave the first hukm. This is because his conviction and trust in the Shari'ah evidence has made it the rule of Allah (swt) with respect to him. This is analogous to the mujtahid; when he finds an evidence stronger than the evidence from which he deduced the hukm, then he must leave the previous opinion and adopt the new opinion due to the strength of the evidence. In any other situation, it is not allowed for the muqallid to leave the hukm he had followed and adopt a different hukm after he had already acted according to the first hukm.

As for making Taqlid to another mujtahid for another hukm, that is permitted due to the ijma' of the Sahabah which has taken place on allowing the muqallid to seek legal verdicts from any learned person in an issue. As for when the muqallid selects a madhhab such as the madhhab of Shafi'i or Ja'far for example, and he says; I follow his madhhab and adhere to it, there are some details for this: he is not allowed to follow any other mujtahid in a mas'alah (issue/matter) he has already practised according to the madhhab he is following; while any issues he had not acted upon previously, he is allowed to follow other mujtahidin in those issues.

However, it should be made clear that the mas'alah for which it is allowed for him to leave the hukm that he has been following for another hukm, it is stipulated that the mas'alah should be separate from other matters, and that leaving it does not entail infringement of other Shari'ah rules. As for when the mas'alah is connected to other masa'il (plural of mas'alah), then it is not allowed for him to leave it unless he leaves all the masa'il connected to it, because they are all considered as one mas'alah. For instance; if the mas'alah was a condition in another hukm, or one of the pillars (arkan) of a complete action such as the prayer (salah), wudu (ablution) and pillars (arkan) of the Salah. Thus, it is not correct for a Shafi'i to follow Abu Hanifah's opinion that touching the women does not invalidate the wudu and continue praying according to the madhhab of al-Shafi'i. It is not right for him to follow the one who takes the opinion that constantly moving in prayer (to whatever extent this may be) does not invalidate the prayer or that the recitation of the Fatihah is not one of the pillars of prayer and then he continues to pray as a muqallid of the one who holds the opinion that constantly moving in prayer does invalidate it or that the Fatihah is one of the pillars of the prayer. The hukm one is allowed to leave is that whose relinquishment does not affect the actions which are undertaken according to other Shari'ah rules.] End of quote.

This text answers your questions in details. To further clarify, we mention the following:

1- A Muslim is not obligated to follow a specific school of thought. Rather, he is obligated to follow the Islamic Shariah ruling regardless of the scholar (Mujtahid) who derived it. If he is certain that the opinion of a particular scholar is the correct Islamic Shariah ruling and the most likely to be correct, then he must follow it. However, the blind follower is unable to determine the most likely correct opinion by studying the evidence due to a lack of the necessary research tools. Therefore, his decision is based on general criteria such as trust in the scholar or his greater knowledge and piety, etc. If he believes that al-Shafi'i is more knowledgeable than others and that his opinion, in general, is closest to the truth, then he should adopt al-Shafi'i's opinion, and so on.

2- A Muslim may follow a particular school of thought in all issues (masa'il). This was common among Muslims in the past, though it is less so now. However, it is not permissible for him to be biased about his school and follow it in every matter, even if it contradicts Islamic Shariah evidence. If it becomes clear to him that the opinion of another school of thought on a particular matter has stronger evidence, he should not remain in that matter clinging to his first school out of bias and stubbornness, because Islamic law does not command him to follow a specific scholar or school of thought, but rather commands him to follow the Islamic Shariah ruling.

3- As for the blind follower, it is safer for him to follow a specific school of thought and adhere to it in all issues, because the blind follower is not qualified to reason, and taking from different schools of thought can lead to contradictions, overlaps, and problems. Therefore, the blind follower is advised to follow a specific school of thought, especially in countries where that school is prevalent, such as the Shafi'i school in Egypt or the Maliki school in Morocco.

4- The term "Talfiq" is used in more than one sense, but two meanings are most prominent:

a) Taking the opinions of multiple scholars (Mujtahids) on a single issue, such as taking one scholar's opinion regarding one part of the issue and the opinion of another scholar on another part of the same issue, thus arriving at a composite ruling that is not held by either of the first or second scholars. Therefore, acting according to this composite ruling is invalid according to both scholars... Talfiq in this sense is explained in the text quoted from the book, "The Islamic Personality," as impermissible according to the party's view:

[However, it should be made clear that the mas'alah for which it is allowed for him to leave the hukm that he has been following for another hukm, it is stipulated that the mas'alah should be separate from other matters, and that leaving it does not entail infringement of other Sharī'ah rules. As for when the mas'alah is connected to other masa'il (plural of mas'alah), then it is not allowed for him to leave it unless he leaves all the masa'il connected to it, because they are all considered as one mas'alah. For instance; if the mas'alah was a condition in another hukm, or one of the pillars (arkan) of a complete action such as the prayer (salah), wudu (ablution) and pillars (arkan) of the Salah. Thus, it is not correct for a Shafi'i to follow Abu Hanifah's opinion that touching the women does not invalidate the wudu and continue praying according to the madhhab of al-Shafi'i. It is not right for him to follow the one who takes the opinion that constantly moving in prayer (to whatever extent this may be) does not invalidate the prayer or that the recitation of the Fatihah is not one of the pillars of prayer and then he continues to pray as a muqallid of the one who holds the opinion that constantly moving in prayer does invalidate it or that the Fatihah is one of the pillars of the prayer. The hukm one is allowed to leave is that whose relinquishment does not affect the actions which are undertaken according to other Sharī'ah rules.] **End Quote.**

b) Taking a separate issue from a different school of thought than the one designated by the follower, such as following Al-Shafi'i in prayer and then taking the opinion of the Hanbalis in Hajj... **Talfiq in this sense is permissible with details as mentioned above in the text quoted from the book "The Islamic Personality, Volume One":**

[This is from the perspective of following the rules of a madhhab. As for leaving these rules, it has to be examined. If someone adopted a hukm but has not acted upon it yet, then he has the right to leave it and adopt another hukm based on one of the preponderant qualifications which is linked to seeking the pleasure of Allah (swt). If he, in actuality, practised it, then this hukm has become the rule of Allah (swt) with respect to him. It is not permitted for him to leave it and adopt another hukm except when the second hukm is linked with an evidence and the first hukm is not linked to an evidence or if it was proven to him by way of learning that the evidence of the second hukm is stronger than the first and he is convinced of that. In that case, it is incumbent on him to leave the first hukm. This is because his conviction and trust in the Sharī'ah evidence has made it the rule of Allah (swt) with respect to him. This is analogous to the mujtahid; when he finds an evidence stronger than the evidence from which he deduced the hukm, then he must leave the previous opinion and adopt the new opinion due to the strength of the evidence. In any other situation, it is not allowed for the muqallid to leave the hukm he had followed and adopt a different hukm after he had already acted according to the first hukm.

As for making Taqlīd to another mujtahid for another hukm, that is permitted due to the ijma' of the Sahabah which has taken place on allowing the muqallid to seek legal verdicts from any learned person in an issue. As for when the muqallid selects a madhhab such as the madhhab of Shafi'i or Ja'far for example, and he says; I follow his madhhab and adhere to it, there are some details for this: he is not allowed to follow any other mujtahid in a mas'alah (issue/matter) he has already practised according to the madhhab he is following; while any issues he had not acted upon previously, he is allowed to follow other mujtahidin in those issues.] **End Quote.**

Thus, reflecting on the text quoted from the book, "The Islamic Personality," answers all your questions.

Your Brother,

Ata Bin Khalil Abu Al-Rashtah

15 Rabi Al-Awal 1448 AH

Corresponding to 28/8/2026 CE

The Link to the Answer from the Ameer's Facebook Page:

<https://www.facebook.com/AtaAboAlrashtah/posts/122149768341129051>