5459 - Does a madhhab take priority over a hadith?

the question

I have a question pertaining to the Hadith and Sunnah Nabi(s.a.w.) and the Madhhab. My country follows the teachings of Madhhab Imam Shafiee and therefore so too the people. There are instances where the teachings of the madhhab took precedent over the hadith and sunnah of the Nabi (s.a.w.). Which should I follow. eg. In Madhhab Imam Shafiee, the wudho is broken if a male purposely or accidentally touch a female either muhrim or not. I have come across a Sunnah Nabi(s.a.w.), who used to move Aishah's (r.a.) leg while performing the fajr prayers. eg. Muslims in my country are thougt that during the Haj, their niat for wudho to switch from the Madhhab Shafiee to that of Madhaab Hambali and perform the wudho as followers of Madhhad Hambali do. The reason for this is as stated in the example above. Is this right, switching from one Madhhab to another during performing the Haj. eg. In Madhhab Shafiee, its is sunat muakad to recite the Doa Qunut during Fajr prayers. Did the Nabi(s.a.w.) recite the Doa Qunut during his Fajr prayers. What is the hukum for ones that do not recite the Doa Qunut.

Detailed answer

Praise be to Allah.

What is obligatory is to follow that which is indicated by the evidence (daleel) of the Quran and Sunnah, even if it differs from what the madhhab says. But it is essential to understand the Quran and Sunnah as they were understood by the Salaf, and not only by our understanding of them. What is meant by the Salaf is the Sahaabah and the Taabi’een.

Concerning the example which you gave, touching a woman does not break Wudu at all, whether it is done with desire or not – because of the hadith that the Prophet (peace and blessings of Allah be upon him) kissed one of his wives and then went out to pray, and he did not repeat his Wudu. But if a man emits something (madhiy) because of desire, then he has to do Wudu – not because

of the act of touching, but because something came out from him.

With regard to the aayah (interpretation of the meaning): “…or you have been in contact with [lit. touched] women…” [al-Maa’idah 5:6] – this is referring to sexual intercourse, according to the correct view.

2- There is no need to move from one madhhab to another. The obligatory duties of hajj should be performed as the Prophet (peace and blessings of Allah be upon him) performed them, because he (peace and blessings of Allah be upon him) said: “Take your rituals from me.”

The correct view concerning Qunoot in Fajr prayer is that it is Sunnah at times of calamity only, i.e., if a disaster has befallen the Muslims or some of them, then it is mustahabb to do Qunoot and to pray to Allah to grant them relief. But under normal circumstances, the correct view is that this is not mustahabb, and this is what the daleel (evidence) refers to. So whoever does not do Qunoot, his prayer is still valid, even according to the Shaafa’is, may Allah have mercy on them.

And Allah knows best.