

METHODOLOGY OF THE UMMAH IN FIQH (JURISPRUDENCE)

INTRODUCTION ON THE NECESSITY OF FOLLOWING ONE OF THE FOUR SCHOOLS OF JURISPRUDENCE

The *Deen* (faith/religion) of Islam was taught by Prophet Muhammad ﷺ. This was through two ways. The first was through explaining the *Holy Qur'an*, which is the speech of Allah.

And We have not revealed to you The Book except for you to make clear to them that wherein they have differed, and as guidance and mercy for a people who believe. (Qur'an: Surah Nahl, Ayah 64)

The second was through his sayings, actions and affirmations as *Rasulullah*; the Messenger of Allah. These are known as *Hadith*. The practice of the collective Hadith tradition is known as *Sunnah*. Qur'an and Hadith are both different types of *Wahi*; Revelation from Allah Almighty.

Nor does he (Muhammad) speak from whim. It is but Revelation revealed. (Qur'an: Surah Najm, Ayah 3 - 4)

When the *Sahābah* (Companions of Rasulallah ﷺ) had a question about the *Deen*, they would go to him as he was the authority appointed by Allah Ta'ala to issue *Ahkām* (religious rulings) to them. They even consulted him about personal matters.

But no, by your Lord, they will not believe until they make you judge about what they dispute among themselves, and then find within themselves no discomfort from what you have judged and fully submit. (Qur'an: Surah Nisā, Ayah 65)

There are two categories of *Ahkām*. The first relates to both *Usul-ud-Deen* (fundamental aspects of the faith) and *Muhkamāt* (clear/unambiguous matters).

It is He who has sent down to you The Book; in it are Ayāt Muhkamāt; they are the foundation of The Book, and others (are) unspecified. As for those in whose hearts is deviation, they will follow that of it which is unspecified, seeking discord and seeking its interpretation. And no one knows its interpretation except Allah, and those firm in knowledge say, 'We believe in it. All is from our Lord.' And none will accept the reminder except those of understanding. (Qur'an: Surah Āl-e-Imrān, Ayah 7)

For example, every Muslim agrees that Prophet 'Isa ﷺ will return before Qiyāmah (from *Usul-ud-Deen*) and that alcohol is forbidden (from the *Muhkamāt* rulings). A person is not permitted to assume or figure out rulings for themselves. One must seek out rulings from those who dedicate their life to studying the *Deen*, then one should practice and preach.

Ask the people of Remembrance if you know not. (Qur'an: Surah Anbiyā, Part of Ayah 7)

The second category of *Ahkām* relates to that which there is no explicit mention of, or precedent, in any *Ayah* or *Hadith*, or if there are different *Riwāyāt* (narrations) about the issue. Seeking out these types of rulings is far more complicated. Such rulings can only be taken from pious, unbiased *Ulemah* (scholars) who study and master the intricate corpus of Islamic texts and tradition, along with the prerequisites. Then they strive to derive rulings from the two *Nusūs* (primary sources), Qur'an and *Sunnah*, based on a set of *Usul and Qawā'id* (principles). Even from the *Ulemah*, only a few have this ability. This act of deriving rulings is called *Istinbāt* and the process of derivation is called *Ijtihād*. The scholars qualified for *Ijtihād* are *Mujtahid* scholars.

When Rasulallah ﷺ sent Mu'adh ibn Jabal to Yemen, he asked him, 'How will you judge?' Mu'adh said, 'I will judge according to what is in the Book of Allah.' The Prophet ﷺ said, 'What if it is not in the Book of Allah?' Mu'adh said, 'Then with the Sunnah of the Messenger of Allah.' The Prophet said, 'What if it is not in the Sunnah of the Messenger of Allah?' Mu'adh said, 'Then I will make Ijtihād to issue a ruling with my understanding.' The Prophet ﷺ said, 'All praise is due to Allah who has given Taufeeq (inspired) the messenger of the Messenger of Allah'. (Hadith narrated in Sunan Tirmidhi)

Referring to *Mujtahid* scholars in the second category of *Ahkām* is called *Taqleed*. It means to suffice on the research and answer provided by an *Alim* who is trustworthy and qualified, without researching proofs for one's self. In the time of *Sahābah* and *Tāb'ieen* (generation after *Sahabah*), they would consult different *Mujtahid Ulemah* for rulings. In fact, it was common to make *Taqleed* of one *Mujtahid* and to trust their *Ijtihād* over another's.

Ikrimah says that the people of Madinah asked Ibn Abbās concerning a woman who did Tawāf and then experienced her menstrual cycle. Ibn Abbās replied, 'She may return (home)'. The people said, 'We will not accept your opinion over the opinion of Zayd (Ibn Thabit)'. (Hadith narrated in Sahih Bukhari) We learn from another narration in Sahih Muslim that Zaid Ibn Thabit later retracted his statement to that of Ibn Abbās, and the people of Madinah followed suit.

As the *Ummah* (worldwide Muslim community) expanded, more scenarios came up that needed answering. This gave rise to different *Madhāhib* (schools of jurisprudence) in matters of *Fiqh* (Islamic law and practice; Islamic jurisprudence). They all agreed on *Usul-ud-Deen* (fundamentals of the faith) but in *Furū-ud-Deen* (subsidiary matters) they may have very well disagreed. All the *Madhāhib* agreed that the Book of Allah and *Sunnah* are the *Nusūs* from which rulings will be derived. The secondary principles used to derive rulings from the *Nusūs* are *Qiyās* or *Ra'i* (analogy) and *Ijmā'* (consensus of the *Sahābah*, and the rightly guided *Ulemah*).

The tertiary principles of derivation (such as *Qawlu Sahābi*, *Istishāb*, *Istihṣān*, *Masālih Mursalāh*, *Sadd-udh-Dharāi*, *Amal Ahl-il-Madinah* etc.) varied according to the school.

Oh you who have believed, obey Allah and obey the Messenger, and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger, if you believe in Allah and the Last Day. That is the best and best in result. (Qur'an: Surah Nisā, Ayah 59)

Over time, most of these Madhāhib died out. Only four have been codified with *Isnād* (unbroken chain of authenticity back to the founder and their teachers to the Messenger of Allah ﷺ), a dedicated following amongst the Ummah, and structured study and research of the *Usul and Dalā'il* (principles and proofs). The first of these four schools is the Hanafi school which was founded by Imam Abu Hanifa Nu'man Ibn Thabit (passed away 150 Hijri). The Māliki school was founded by Imam Mālik Ibn Anas (179 H). The Shāfi'ee' school was founded by Imam Muhammad Ibn Idris Shāfi'ee' (204 H). The Hanbali school was founded by Imam Ahmed Ibn Hanbal (241 H). There is *Ijmā'* of the Ummah on the *Thiqah* (reliability), *Adl* (piety) and qualifications as both Muhaddith and Mujtahid for the four Imams. Together, these schools form the methodology of *Ahl-us-Sunnah wal Jamā'ah*; Muslims who adhere to Sunnah and way of Sahābah.

Imam Sha'rāni writes, 'You (student) have no excuse left for not doing Taqleed of any Madhhab you wish from the schools of the four Imams, for they are all paths to Heaven'. (Source: Al-Mizan ul-Kubra)

It is deemed necessary by the *Ijmā'* of Ulemah after the second century Hijri to make Taqleed of one of the four Madhāhib in Fiqh relating to the second category of Akhām. One should choose the school that they have access to in terms of its teachers (which will be the predominant school(s) in the country), and for the more learned person by choosing that which their heart is most inclined to it in terms of its Usul and Qawā'id. Then should stay with that school. Obeying Rasulullah ﷺ is *Wājib Fi Nafsihi* (necessary within itself). Adhering to one of the four Madhāhib is *Wājib Fi Ghairihi* (necessary due to an external reason). *Imam Shāfi'ee' was asked (Source: Ahkām-ul-Qur'an by Imam Abubakr Baihaqi) what the Qur'anic proof was of Ijmā' being used to issue a Shari' (Islamic law) ruling. He recited the Holy Qur'an for three days then concluded that it was in the following Ayah: And whoever opposes the Messenger after guidance has become clear to him, and follows other than the way of the Believers, We will give him what he has turned to and drive him to Hell, and evil it is as a destination. (Qur'an: Surah Nisā, Ayah 115)*

By adhering to a Madhhab, one is not taking their Deen from the scholar or the school but rather as explained by the scholar and school, who in turn take it from the Qur'an and Sunnah. The *Fatāwā* (verdicts) issued by the schools are based on research conducted by thousands upon thousands of Ulemah within that school, over the course of over a thousand years till date.

Imam Nawawi writes, 'The second view is that it is obligatory for him to follow one particular school, and that was the definitive position according to Imam Abul Hasan (father of Imam-ul-Haramayn al-Juwayni). And this applies to everyone who has not reached the rank of Ijtihād of the jurists and scholars of other disciplines. The reasoning for this ruling is that if it was permitted to follow any school one wished it would lead to hand picking the dispensations of the schools and following one's desires. He would be choosing between Halāl and Harām, and obligatory and permissible. Ultimately that would lead to relinquishing one's self from Takleef (responsibility of obeying the Deen as commanded). This is not the same as during the first generations, for the schools that were sufficient in terms of their rulings for newer issues, were neither codified nor did they become popular. On this basis it is obligatory for a person to strive in choosing a Madhhab which alone he follows.' (Source: Al-Majmu Sharh-ul-Muhadhab, Volume 1)

Thus, making Taqleed of the verdicts issued by these schools is a safer course of action than choosing what one deems to be more suitable - as one is not qualified to make that choice - or by taking a Fatwa from an unqualified person claiming to be an Alim. Nor is it permissible to make *Talfiq* (mix rulings) between the Madhāhib. This would lead to two great evils: a person choosing the dispensations from each Madhhab, and a person's actions not being considered credible according to any school. If a person makes Wudhu by wiping a little less than a quarter of the head, their Wudhu is invalid in the Hanafi school but valid in the Shāfi'ee' school. If they have skin to skin contact with a member of the opposite gender, their Wudhu is broken in the Shāfi'ee' school but not in the Hanafi school. However, it was not valid to begin with in that school. The reason why it was not necessary to adhere to only one school in the first three generations was because the possibility of choosing that which correlates with one's desires or uneducated logic was far reduced.

The Messenger of Allah ﷺ said, 'The best people are those of my generation, then those who come after them, then those who come after them. Then, there will come people after them whose testimony precedes their oaths and their oaths precede their testimony.' (Hadith narrated in Bukhari and Muslim)

As for the pious and credible scholar who is well versed in the Islamic sciences after having dedicated their life to it, such a scholar should follow their conscience if their research causes them to adopt a view other than that of the founder of the school. In these cases, *Fuqaha* (jurists) have issued the relevant *Fatāwā*. For example, in the Hanafi school the original verdict issued regarding a woman whose husband had gone missing was to wait until his contemporaries had passed away. The later scholars issued the Fatwa based on the Māliki school which was for her to wait for four years, after which she was free to remarry.

As time goes on and inventions increase, there will always be need for Ijtihād in matters where there is no precedent. However, issuing Fatāwā, or even choosing between them, is not the within the capacity or jurisdiction of the student of Hadith let alone the average person. This is for the *Mujtahid Fil Madhhab* (Mujtahid working within Usul of a Madhhab), *Faqih* (jurist), *Qādhi* (judge) and *Mufti* (legal expert).

Imam Dhahabi writes under Imam Ibn Hazm Zhāhiri's comment 'I follow the truth and perform Ijtihād, and I do not adhere to any Madhhab', 'I say: yes. Whoever has reached the level of Ijtihād and a number of Imams have qualified this regarding him, it is not allowed for him to do Taqleed, just as it is not seeming at all for the beginner layman jurist who has committed the Qur'an to memory or a great deal of it to perform Ijtihād. How is he going to perform Ijtihād? What will he say? On what will he base his opinions? How can he fly when his wings have not grown?' (Source: *Siyar A'lām an-Nubalā*) Imam Ibn Hazm, despite his vast knowledge, was unable to himself keep this stance. He originally followed the Māliki school, then the Shāfi'ee' school, then settled on the (defunct and non unanimously accepted) Zhāhiri school, attempting to codify and propagate it.

The differences within these schools are permissible, inevitable, and actually sources of mercy. They open the gates to the two great blessings that this Ummah supersedes others in: *Tawsee'* (expansion in matters) and *Tafaqquh* (deep study and understanding of the Deen).

Ibn Umar narrates that, 'on the day of Ahzāb the Prophet ﷺ said, 'None of you should offer the Asr prayer but at Banu Quraizha's place.' The Asr prayer became due for some of them on the way. Some of those said, 'We will not offer it until we reach the place of Banu Quraizha' whilst others said, 'No, we will pray at this spot, for the Prophet did not mean for us (to delay it beyond its time if we didn't get there in time for Asr, which we didn't get there in time for).' Later on it was mentioned to the Prophet ﷺ and he did not criticise any of the two groups.' (Hadith narrated in Bukhari and Muslim)

A particular thing is either permissible or impermissible. Where and when the schools disagree, each person will be rewarded by Allah Almighty for acting upon the verdict of their school, and in the next world we will find out which verdict(s) was correct.

The Messenger of Allah ﷺ said, "If a hākim (judge) makes a ruling while ijthahada (he strives to apply his reasoning based on other religious rulings) and he is correct, then he will have two rewards. If a judge makes a ruling, and he strives to apply his reasoning and he is mistaken, then he will have one reward.' (Hadith narrated in Bukhari and Muslim)

From the example below we learn that the Sahābah themselves had differences in practice and teachings that they witnessed or heard from Rasulullah ﷺ.

Abdullah ibn Umar said that, 'the Messenger of Allah ﷺ used to raise his hands to shoulder level when he started to pray, when he said Allahu Akbar before bowing in Ruku, and when he raised his head from Ruku.' (Hadith narrated in Bukhari and Muslim)

Abdullah ibn Mas'ud said, 'Shall I not lead you in prayer as the Messenger of Allah did?' Then he prayed and he only raised his hands once. (Hadith narrated in Abu Dawud)

Each Mujtahid would analyse which narration they considered more valid to practice. The answer is not as simplistic as picking the Hadith from the books that contain only Sahih Hadith. Firstly, the *Sihāh Sitta* (six major canonical works of Hadith) were compiled after the Madhāhib were codified. Secondly, Sahih Hadith are not confined to only Bukhari, Muslim and Mu'atta Imam Mālik. There are Ahādith that are just as Sahih in other books, although those books may also contain Ahādith that are not Sahih.

Secondly, when analysing which Hadith to practice upon, its authenticity is of utmost importance. At the same time, the Mujtahid should be well versed in all the Islamic sciences. Two Ahādith may be authentic but one may be *Mansukh* (abrogated) by another. One may be *Muqayyad* (scenario based). The Mujtahid may have other proofs that lead to preferring one over another in practice; known as *Rājih and Marjuh*. One may be deemed *Munkar or Matruk* (contradictory and non practiced) or possess an *Illat* (hidden defect) after analysing it in relation to the Islamic corpus. Each Mujtahid may interpret the same Hadith's *Sihhat* (authenticity), *Matn* (wording), *Siyāq* (context), *Ta'weel* (meaning), and *Wujūb* (level of ruling) differently.

Thus, the Mujtahid Ulema were aware of the view of both Ibn Mas'ud and Ibn Umar. They analysed various proofs regarding the Salāh of Rasulullah ﷺ and came to their own conclusions. The Madhāhib agree that one bows in Ruku after standing for Qirā'ah in Salāh. They also agree that one may raise the hands for Takbeer before bowing or one may not do so. In either case, Salāh will be absolutely valid. However, they disagree on which one is more recommended. It is not for the average person or average student of Hadith to discredit the research of thousands of Ulema when he comes across a Hadith that their practice is not upon. It is the role of the Mujtahid Faqih to discern between them.

Ubaydullah ibn Amr reported, 'We were with Imam A'mash while he was asking Imam Abu Hanifa about legal issues and Abu Hanifa answered him. A'mash said to him, 'From where did you get this?' Abu Hanifa said, 'You yourself narrated to us from Ibrahim as such. You narrated to us from Sha'bi as such.' A'mash said at that, 'Oh Fuqeha! You are the doctors and we are the pharmacists.' (Source: *Nasihah Ahl Hadith lil Khatib*)

By various Imams practicing various Ahādith, the blessed *Sunnah* (practices and sayings of Rasulullah ﷺ) is preserved and practiced within his Ummah.

The Messenger of Allah ﷺ said, 'You must adhere to my Sunnah and the way of the Rightly Guided Caliphs who come after me.' (Hadith narrated in Abu Dawud)

Another example is the ruling regarding the minimum amount of breastfeeding sessions that establish the laws of *Radhā'ah* (nursing relationship). According to Imam Abu Hanifa and Imam Mālik, it is one suckle. Imam Shāfi'ee' says it is five. Imam Ahmed says it is three. All of the Imams take their proofs from various Sahih Ahādith which can all be found within the very same book; Sahih Muslim. The scholars did their own Ijtihād on which Hadith will be given preference and how the other Ahādith were explained. They were not unaware of the other Ahādith nor did they reject any Hadith that did not support their conclusion by claiming it to be weak or fabricated. Thus, these difference are not ones that lead to sectarianism, as the Ummah has been united upon this for over a thousand years. In fact, for the non Mujtahid to deviate from this is to create sectarianism. (As for why there can be a difference of understanding about the same narration, or why different actions or rulings are narrated regarding Rasulullah ﷺ, this is explained in the upcoming chart which is derived from the great work: Differences of the Imams by Shaykhul Hadith Hadhrat Muhammad Zakariyya Khandalwi.)

Qādhi Abu Yusuf is one of the most celebrated Fuqeha and the top student of Imam Abu Hanifa. He was a Mujtahid himself who disagreed with verdicts of his beloved teacher. However, he worked within Hanafi school. Imam Ibn Taymiyyah had *Mufradāt* (solitary stances) but he followed the Hanbali school. Imam Bukhari seems inclined to the Shāfi'ee' Madhhab but he made his own Ijtihād at times, choosing not to adhere to a particular school. Yet none of them ever advocated for not making Taqleed of a school. The Holy Qur'an makes it clear that it is not expected or possible for every Believer to dedicate their life to studying the Deen to the level of becoming a Faqih, let alone a Mujtahid.

And it is not for the Believers to go forth (to battle) all at once. So why should it not be that there should separate a group from every division of theirs in order to obtain Fiqh (understanding) in the Deen and warn their people when they return to them, that they might be cautious. (Qur'an: Surah Taubah, Ayah 122)

a few scholars who – despite being far more learned than we will ever be – adhered to a Madhhab

<u>HANAFI</u>	Imam Abubakr Jassās Mullā Ali Qāri Maulana Rumi	Imam Bāqillani Ibn Khaldun Ibn Rushd & Ibn Batuta	Imam Ibn Kathir Imam Qushairi Imam Asha'ri Imam Ibn Daqiq al-Eid
Imam Abdullah ibn Mubarak Imam Muhammad Shaibāni Imam Qādhi Abu Yusuf Imam Yahya ibn Ma'in Imam Māturidi Imam Nasafi Imam Kāsāni Imam Sarakhsi Imam Taftāzāni Imam Ibn Ābideen Imam Allāmah Aini Imam Murghināni Imam Tahāwi Imam Zailai' Imam Allāmah Teebi Imam Ibn Nujaim	Shaykh Mo'in-ud-Deen Chishti Shaykh Ahmed Sarhindi Muhaddith Abdul Haqq Dehlwi	<u>SHĀFIEE'</u> Imam Muzani Imam Baghawi Imam Ghazāli Imam Nawawi Imam Baidhāwi Imam Muhāsabi Imam Dhahabi Imam Ibn Asākir Imam Suyuti Imam Qastalani Imam Ibn Hajr Imam Baihaqi Imam Rāzi	<u>HANBALI</u> Imam Abu Dawud Imam Abu Bakr al Khallāl Imam Ibn Mandah Imam Maqdisi Imam Ibn Aqil Shaykh Abdul Qādir Jailāni Imam Ibn al-Jawzi Imam Abu Ya'lā Imam Ibn Qudāmah Imam Ibn Qayyim Imam Ibn Taymiyyah
	<u>MĀLIKI</u> Imam Yahya Laithi Imam Sahnun Imam Shātibi Imam Ibn Abdul Barr Imam Qarāfi Imam Qurtubi Imam Ibn Abi Zaid Imam Qādhi Iyadh Imam Ibn Āshir		

There are some who reject these schools by claiming to follow only Qur'an and Sunnah. Yet, ironically, you will find that they make Taqleed of Fatāwā issued by a handful of scholars of the later generations, even in matters where the rest of the worldwide Ulemah disagreed with them. Thus, it is a *Fitri* (natural) and inescapable phenomenon to make Taqleed of those more learned in matters where one is ignorant. You will also notice that after ignoring the Ijmā' of the Jamā'ah of Ulemah in Fiqh, it is not far until some such groups reject the consensus in *Aqeedah* (Islamic creed), with some possessing such beliefs that place *Imān* (belief) itself into jeopardy. So the difference is whether one wishes to follow in the footsteps of the *Salaf-us-Sāliheen* (pious predecessors) who made Taqleed of these authentic and approved schools, or one wishes to be misinformed, and misinform others. The choice is simple for a person who does not have *Ta'ssub* (blinkeredness).

Abdullah ibn Sirin said, 'Indeed this knowledge is (about) religion.

So carefully consider from whom you take your religion.' (Source: Muqaddimah Sahih Muslim)

The Messenger of Allah ﷺ said, 'Verily Allah will not unite my Ummah – (or he said 'the Ummah of Muhammad') – on misguidance, and the hand (i.e. support) of Allah is with the Jamā'ah.'
(Hadith narrated in Sunan Tirmidhi)

REASONS FOR EXTRAPOLATING DIFFERENT RULINGS - WITH EXAMPLES FROM THE HADITH TRADITION
 DERIVED FROM: THE DIFFERENCES OF THE IMAMS BY SHAYKHUL HADITH HADHRAT SHAYKH MUHAMMAD ZAKARIYYA KHANDALWI

Varying commands for different people	One Sahābi was not permitted by Rasulullah ﷺ to donate all his wealth in charity but during Tabūk Sayyidina Abubakr was praised for doing so. There was no chance of him or his family regretting his decision, or struggling to be patient with less or no wealth.
Varying commands for different circumstances	There were two Sahābah who were blind and each on a different occasion asked Rasulullah ﷺ whether they would be exempt from attending Salāh with Jamā'ah. One was given an exception and another wasn't. The one who was not exempted lived close to the Masjid.
A special case is taken as a general order	In the Hanafi school it is not permitted to pray Tahiyat-ul-Masjid during the delivery of Jumu'ah Khutbah. There is a Hadith that Sayyidina Sulaik al Ghatafani did so. The Hanafi scholars say it is because Rasulullah ﷺ wanted others to see his poverty and donate to him. Some Ahādith show that Rasulullah ﷺ paused his Khutbah while he prayed.
A general order is taken as a special case	There is a Hadith narrated by Sayyidina Abdullah ibn Umar that indicates a deceased person is punished for the crying of their relatives over them (that exceeds the rules of Shari'ah). Mother of the Believers Ā'isha says that this was not a general ruling but in reference to a particular Jewish woman who passed away.
Actions perceived in different ways and thus reported in different ways	Sa'eed ibn Jubair came to Ibn Abbās because he heard conflicting narrations about when Rasulullah ﷺ donned his Ihram for Hajj. Ibn Abbās explained that it was Masjid Dhul Hulaifah. Those who were not present heard him reciting the Talbiyah for the first time as he mounted his camel. Others, when he climbed Baidāh summit. Each narrated what they thought to be the time he came into Ihram but Ibn Abbās and others knew he ﷺ wore it at Dhul Hulaifah.
Some take it as an intentional act and others as incidental	During Hajj, Rasulullah ﷺ stopped at Abtah valley. Ibn Umar and Abu Hurairah understood this to mean that stopping here is one of the Sunan of Hajj. Ā'isha and Ibn Abbās understood it to mean that it was part of the travel journey, and not the Sunan or rites of Hajj. This is the view that the Hanafi school takes.
The reason behind the action is understood differently	Once the funeral bier of a non Muslim passed by, and Rasulullah ﷺ stood up. Some say it was to honour the gravity of life, or to honour the angels. According to this understanding, it makes no difference if the deceased was Muslim or not. Some say it was so that it would not pass over the heads of the Muslims. According to this understanding, this Hadith does not mean one should stand up when the funeral bier of a Muslim is passing by, and so one shouldn't.
Words have multiple meanings	Sometimes Wudhu means washing the hands and face, and at other times it means the Shari' Wudhu; ablution. In the Hadith regarding Wudhu after eating anything cooked by fire, all four schools take it to mean washing hands and mouth, as one does before and after eating food.
The level of the ruling is interpreted differently	When Rasulullah ﷺ gave or carried out a command, some understood it to be necessary. Others understood it as encouragement towards the action. Whilst others understood it as granting permission. The schools all agree that one should gargle when making Fardh Ghusl. However, depending on their principles and in light of other proofs, some take it as a Sunnah act in Ghusl and some take it as Fardh.
A ruling was given to teach not to issue a ruling	A person prayed Salāh with his trousers below his ankles. Rasulullah ﷺ asked him to repeat his Salāh, as well as his Wudhu. The scholars say this repetition of Salāh was to teach him to be mindful of losing rewards. Thus, it was from the aspect of Taqwā (God consciousness).
A ruling was given to advise not to issue a ruling	A Sahābiyah who was suffering from Istihādah (abnormal uterine bleeding) was recommended by Rasulullah ﷺ to make Ghusl three times a day: One for Dhuhr and Asr Salah. One for Maghrib and Esha Salah. One for Fajr Salah. Some scholars say this was for health benefits whilst others took it as a religious injunction.
A ruling was abrogated by another	In the beginning of the Madinan period, the Sahābah were required to make Ghusl for Jumu'ah Salāh. Later on, the ruling was left as Sunnah and not Wājib. In the early period, the Masjid was small and Sahābah were coming from their jobs. To prevent undue harm from bad smells, the original ruling was given by Rasulullah ﷺ.

And Allah Almighty knows best. We ask Allah Almighty for forgiveness, guidance and acceptance. May Allah's mercy and pleasure be on his Prophet, his companions and family, the saintly scholars, and his Ummah. Ameen.

Please keep the compiler(s) in your prayers.