FOREWORD

There is no dearth of books on the subject of taqleed and ijtihad, and I had no idea that I would be writing anything on it. However, certain reasons compelled me to write down this treatise.

When, in 1963, the editor of ‘Faran’, Mahir ul-Qadri, suggested that I should contribute an article on taqleed, I was disinclined to engage in debate on the question, as, indeed, my respected father, Maulana Mufti Muhammad Shafi, always kept himself away from it. However, I acceded to his request in the hope that I might explain the issue and invite the warring parties to think coolly and cease to argue.

Praise belongs to Allah, the article was well received when it was published in May 1963, in the ‘Faran’, and several other magazines of India and Pakistan and some Muslims of Junagadh reprinted it in the form of a booklet.

Nevertheless, though I had avoided a debate on the issue, the people, who disvow taqleed and reject that the imams of ijtihad should be followed responded with heavy criticism, Muhammad Ismail Salfi was one of them. His criticism was published in ‘al-I’tisam’ in its thirteen issues and then annexed to his book ‘Tahreek Azadi-e-Fikr aur Shah Waliullah ki Tajdeedi Masai’l’.

Another response came from a man who accuses the imams of if ijtihad as inventors of Shari’ah and their followers as infidels and polytheists and the Islamic fiqh as self-tailored. It was entitled ‘at-Tahqeeq fi Jawab at-Taqleed’.

A Third response was published in a monthly magazine of Hyderabad Daccan.

On my part, I refrained from engaging in the debate, as always had been my wont. The articles had been read by many discerned people and had been published in India, so, many friends desired that I should publish it in book form. Therefore, thirteen years later, I revised it in the light of the criticism and comments that had been made on it.

The original work has been enlarged and the criticism answered as part of text without referring to personalities as far as possible. Let me reiterate that this work is in no way an argument or debate. It is purely an academic approach aimed at explaining the stand of a vast majority of the ummah who follow the mujtahid imams. I have observed moderation and tried to give the view point of a large section of the ulama of ahle sunnat.
Therefore, I request my readers to follow the same scholarly path and avoid an argumentative approach. And, I hope I have been able to set at rest doubts and misgivings on the issue created by exaggerated propaganda by the careless.

May Allah accept my effort and make it beneficial for the Muslims.

وَمَا طَوَّفَىَّ إِلَّا بِاللَّهِ عَلَيْهِ تَوَكَّلْتُ وَإِلَيْهِ أَنْتَبِهُ

“And only Allah has enabled me. In Him I place my trust and to Him is my return.”

Muhammad Taqi Usmani

Dar ul-Uloom
Karachi
Friday night,
4th Jumadi uth Thani 1396.
THE REALITY OF TAQLEED

That the real call of Islam is to obey Allah alone, no Muslim will deny. So much so that it is wajib to obey the Prophet (SAWS) only because he demonstrated the injunctions of Allah with his words and deeds. We have to obey Allah and His Messenger (SAWS) in the things they told us are lawful and forbidden. If anyone obeys someone else instead and regards him as worthy of obedience then he is outside the folds of Islam, hence, it is imperative for every Muslim to observe the commands in the Quran and sunnah.

However, there are commands in them which every literate person can understand without a semblance of doubt. For instance, the Qur’an says:

لا يَفْتَبَ بَعْضُكُمْ بِعَضُّكَ (الحجرات 2:12)

“And backbite not one another” (49:12)

Every person who knows a little Arabic will get the message, particularly because there is no ambiguity or a contrary evidence in Shari’ah. Or, take this saying of the Prophet:

لا فَضْلَ لِعَزَّتِي عَلَى عِجَاجِي

“No Arab enjoys an excellence over a non-Arab.”

These words are crystal clear. No student of Arabic will fail to understand them.

In contrast, there are some commands in the Qur’an and the Ahadith that present some difficulty, or seem to differ from another portion of the Qur’an or Ahadith. Let us explain by examples of each.

The Qur’an says:

وَالَّذِينَ طَلَّبُوا بِعَدْنَاهُ عِلْمًا فَلاَ فَضْلَ عَلَيْهِمْ فَلاَ فَضْلُ عَلَيْنَا (البقرة 2:228)

“And the divorced women shall wait, keeping themselves apart, for three quru’.” (2:228)
This verse specifies the waiting period of a divorced woman as three quru’ which is used in Arabic for both menstruation and purity (between two menstruations). In the first sense, the verse would call upon the woman to wait for three monthly periods, while the second meaning would require her to wait till three periods of purity pass over. So, how should she act?

The Prophet has said:

من لم يترك الخبارة فليؤمن بحرب من الله ورسوله (إبوداوود)

“He who does not abandon mukhabarah should take notice from Allah and His Messenger of war.” (Abu Dawood #3399 Kitab al-Bayi’)

There are many kinds of mukhabarah (which is sharing of crop between cultivator and landlord), but the Hadith does not specify which kind. Does it mean every kind of mukhabararah or some kind?

The Prophet has said:

من كان للإمام فقراءة للإمام فقراءة

“If anyone follows an imam then the imam’s recitation is his recitation.” (Muwatta Imam Muhammad)

The former implies that one who follows the imam in salah should observe silence when the imam recites but the latter is emphatic that if he does not recite surah al-Fatihah then his salah is invalid.

The question arises which of the two Ahadith should be observed. If the first is followed, the second would seen to address the imam and one who offers his salah by himself (out of the congregation), and the follower behind the imam is expected. If we go by the second then it would imply that the first refers to recitation of the surah other than surah al-Fatihah and surah al-Fatihah is excepted.

Many such difficulties present themselves in deriving the commands from the Qur’an and Ahadith. The way out is either to rely on our own judgment and interpret them or find out what our worthy predecessors had done. So, we must conduct ourselves according to the conclusions of the scholars of Qur’an and Hadith of the first generation.

If we are really fair then we should realize that the first option is fraught with danger while the second is safe. I am not being humble when I say that in every respect, we are behind the ulama of the early generation, be it knowledge or understanding, wisdom or memory, religion or honesty, and righteousness or piety. Besides, they were very close to the atmosphere in which the Qur’an was revealed and that made it very easy for them to understand the Qur’an and sunnah. In
contrast, we are so far away from that atmosphere that it is very difficult for us to picture the background, environment, social living and style of conversation then prevailing, for it is very necessary to know all these things in order to understand someone’s intention.

Accordingly, if we reject our own understanding and choose to follow the interpretation of the complex commands of Qur’an and sunnah of one of the scholars among our worthy predecessors it will be said that we have made his taqleed.

This is the reality of taqleed. If I have been able to convey my mind then it should be obvious to you that taqleed of an imam or a mujtahid is made only when there is a difficulty in understanding a command of the Qur’an or sunnah whatever the nature of our difficulty:

- The text may be open to more than one meaning,
- It is very brief,
- There are contradictory evidences.

No taqleed of an imam or mujtahid is done when the text is clear and comprehensive and not liable to contradiction or doubt. The well-known Hanafi scholar, Allamah Abdul Ghani Nablusi (RA) has written;

> فلالام المسق عليه المعلوم من الدين بالضرورة لا يحتاج إلى التقليد فيه لأحد الإربعة كفر ضية الصلاة والصوم والزكوة والحج ونحوها وحزمة الزنا واللواءة وشرب الخمر والقتل والسرقة والغسطب وما اشبه ذلك والإمر المختلف فيه هو الذي يحتاج إلى التقليد فيه

“Thus, the affairs on which there is an agreement and are known as essentials of religion, do not call for taqleed of any one of the four imams, like the obligation of salah, fasting, zakah, hajj, and others of similar nature, and the prohibition of illegal sex, wine, slaying, theft and usurpation and so on. However, affairs that are debatable call for taqleed.” (Kulasatat Tahqeeq fi Hukm ut-Taqleed wat-Talfeeq p4)

Allama Khateeb Baghdad (RA) has written;
There are two kinds of legal commands:

(i) Those that are known to be essential part of religion, like the five times saia, zakah, fasting during Ramaadan, Hajj, unlawful nature of adultery, consumption of wine, and such other things. Since everyone has knowledge of these things, so taqleed is not proper in this kind.

(ii) Those that cannot be known without concentration and deduction, like the branch issues of worship, mutual dealings and marriage. In this kind, taqleed is proper because Allah has said:

فأسألوني أهل الذكر إن كنت لا تعلمون

So, ask the people (having knowledge) of the Message, if you do not know. (16:43)

Besides, if we disallow Taqleed in these branch issues of religion then it would require everyone to pursue the sciences of religion. If that is made necessary for the people then all the necessities of life will be ruined. Fields and cattle will be ignored. So, such a command cannot be given.”

(Al-Taqih Wal-Mutafaqah, Khateeb Baghdadi v2 p67-68)

Mawlana Ashraf Ali Thanwi (RA) has written,

“Issues are of three kinds:

1. Those in which the text is debatable.

2. Those that allow for different interpretations,
3. Those whose meaning is clear and understandable.

Thus in the first kind, the mujtahid has to make Ijtihad, while others will have to make taqleed of him. The second kind, too, calls for Ijtihad and taqleed. The third kind allows neither Ijtihad nor taqleed.” (Al-Iqtisad fit-Taqleed wal-Ijtihad, p34)

The conclusion drawn from the foregoing discussion is that taqleed of an imam or mujtahid does not in any way imply that he is being followed on the understanding that it is wajib (obligatory) to follow him, or on the understanding that he is the law-giver and everything he says must be obeyed. Rather, one follows nothing but the Qur’an and sunnah, and to understand them the exegesis of the imam or mujtahid is relied upon. This is exactly why in the absolute commands of the Qur’an and sunnah, taqleed of an imam or a mujtahid is unnecessary, the purpose of obeying Allah and His Messenger is served easily without taqleed.

The fact that one whose taqleed is made is not regarded more than an exponent whom it is not wajib to follow is implied in the sense of the word taqleed. Hence, Allamah Ibn al-Humam and Allamah Ibn Nujaym oit Li- have defined taqleed:

التقليد العمل بقول من ليس قوله احدى الحجج بلا حجة منها

“Taqleed is to act according to the word of one whose word is not source of Shari’ah (a proof in Islamic law), without demanding evidence from him.” (Taysirat – Tahreer, Ameer Badshah Bukhari, v4 p246, Egypt; Fath al-Ghaffar Sharah al-Manar, Ibn Nujaym v2 p37)

The source of Islamic law are only the Qur’an and sunnah (and through them by concensus and analogical deduction). One follows the word of the imam on the understanding that he has complete insight in the sciences of the Qur’an and sunnah and, so, the conclusion he had derived from them is worth relying upon.

There is nothing in this conduct that can be called sinful or polytheistic. Of course, if anyone believes an imam to be the source of law and one whom it is wajib to follow then his conduct is polytheistic. To regard someone as an exponent of law and to rely on his understanding and insight, rather than on one’s own, is unavoidable in these times of dearth of knowledge.

We may see it in the example of the laws in a country proclaimed and compiled in book form. Howsoever well educated the masses might be, they have to seek legal advice to interpret the laws. In such cases, no one will suggest that the legal expert is bestowed authority to legislate and the seekers regard him as the authority in the land instead of the laws of the land.

It is exactly the same with the Qur’an and Sunnah, to resort to the mujtahid imams to explain them, is taqleed. The muqallid (one who makes taqleed) cannot be accused of following the mujahid instead of the Qur’an and sunnah.
Two Kinds of Taqleed

There are two kinds of taqleed:

(1) No particular imam is specified. Different imams may be followed in different issues. This is known as Absolute Taqleed, or General Taqleed.

(2) Only one scholar mujtahid is chosen for taqleed and every complex question is referred to him. This is personal following or taqleed Shakhsi.

There is no more to any of these kinds of taqleed than that a person who is incapable of directly absorbing the commands of Qur’an and sunnah resorts to a mujtahid who he knows is adept in these sciences and relies on his insight and understanding. He then acts on the explanation of this mujtahid. The Qur’an and sunnah assert that this is permissible — nay, obligatory.
THE QUR‘AN AND TAQLEED

The guiding principles of taqleed are mentioned in the Qur‘an.

The First Verse

“O you who believe, obey Allah and obey the Messenger and those in authority among you.” (4:59)

The ‘ulul amr’ (those in authority) are said by some to be the Muslim rulers and governors and by others to be the jurists. The second explanation is by Sayyidina Jabir ibn Abdullah, Abdullah ibn Abbas, Mujahid, Ata ibn Abu Rabah, Ata ibn as-Sa’ib, Hasan Basri, Abu al-Aaliyah and many others. Imam Razi has preferred this explanation citing many arguments.

He said:

“It is preferrable to apply the meaning ‘ulama to ulul amr’ in this verse.” (Tafseer Kabeer v3 p334)

Imam Abu Bakr Jassas found no contradiction in both the Ahadith. Rather both meanings are valid. The rulers need to be obeyed in political matters while the ulama must be obeyed in issues pertaining to Shari‘ah. (Ahkam ul Quran; Jassas v2 p256)

Allamah Ibn al-Qayyim Al-Jawzi saiçl that:

“Obedience to the rulers leads finally to obedience to the scholars of religion because the rulers obey the ulama in matters of Shari‘ah.” (I’lam ul-Muqi’een; Ibn Qayyim v1 p7)

Anyway, the verse asks the Muslims to obey Allah and His Messenger and the ulama and jurists who explain the words of Allah and His Messenger and this (last) obedience is taqleed.

The next portion of this verse is:

“Then if you quarrel on anything, refer it to Allah and the Messenger, if you believe in Allah and the last day.” (11:59)
According to the above explanation, it is a continuous sentence in which the mujtahideen are addressed. Abu Bakr Jassas wrote in support of ulama as ‘those in authority’.

"That, Allah’s words, ‘if you quarrel’ follow immediately His statement about ‘ulul amr (those in authority)’ is evidence that ulul amr are the jurists, because Allah has commanded all men to obey them. Then, after saying, if you quarrel, He commanded the ulul amr that they should refer back to Allah’s Book and His Messenger’s sunnah that in which they differ. This command could be directed only to the jurists because the masses and the unknowledgeable cannot be of that standard and they do not know how they have to refer back any matter to Allah’s Book and the sunnah. And they do not know how to derive evidence for new issues. So, it is the ulama who are addressed here.” (Ahkam ul-Quran v2 p257)

The famous scholar of Ahle Hadith, Allamah Nawwab Siddiq Hasan Khan has also confirmed in his exegesis that the words of the Qur’an in this verse are addressed to the Mujtahadeen.

And obviously this is an address by itself and it is directed to the Mujtahids.”

So, it is not correct to conclude that those who are not competent to make ijtihad may refer to the Qur’an and Hadith directly in connection with disputed issues and derive their conclusions. Rather, the first sentence of the verse addresses those people who cannot derive commands directly from the Qur’an and sunnah. It is their duty to obey Allah and His Messenger by asking for rulings and explanations from the ulul amr and conducting themselves on it. The second sentence addresses the mujtahideen. They are directed to turn to Allah’s Book and the Messenger’s sunnah and deduce commands. So, in the first sentence the muqallid is commanded to make taqleed and in the second the mujtahid to make ijtihad.
The Second Verse

“And when there comes to them any tiding, whether of peace or of fear (or war), they spread it abroad. If they had only referred it to the Messenger and to those in authority among them, then those among them who can search the truth about it, would have known (how to dispose of) the matter.” (4:83)

The hypocrites in Madinah spread rumours concerning war and peace. Some simple Muslims fell into their trap and passed on to others whatever they heard. This created an atmosphere of uncertainty. The verse instructs Muslims not to do so but inform the ‘ulul amr’ of whatever they learn. The qualified among them would investigate and let them know the truth.

Though this verse was revealed about a particular situation, yet the principles of exegesis and principles of jurisprudence rely on the general words of the verse to draw commands and rulings. Accordingly, this verse guides us to contact the people specialised in investigation and act according to their deduction. This is taqleed. Imam Razi has written about this verse.

“So to draw conclusions is evidence, and qiyas (analogueical deduction) is the same thing or part of it, and is proof, too. Given that, this verse is evidence of some matters.

(1) Some of the new issues that grow are not understood by the text, but one has to draw conclusion to find out their meaning.

(2) Istinbat (to draw conclusion, to arrive at the truth) is proof.

(3) It is obligatory for the masses to make taqleed of the scholars concerning issues and commands that they face.” (Tafseer Kabeer, v3 p272)
Some people have demurred that this verse was revealed concerning war and so is specific about such situations and cannot be applied to times of peace. (Tahreek Azadi-e-Fikr, Muhammad Ismail, p31)

However, we have stated already that reliance is placed on the text not on the background of specific situation. Imam Razi has answered this objection.

“Allah’s saying And when comes to them any tiding, whether of peace or of fear...... is very general. It encompasses war situations and all legal questions too. War and peace are such that no chapter of Shari‘ah excludes them. There is no word in the verse that might make it specific to war. (Tafseer Kabeer v3, p273).

Imam Abu Bakr Jassas Razi has given the same answer in much detail and rejected incidental doubts. (Ahkam Quran, Jassas v2 p263).

This is why the well-known scholar of Ahl-Hadith has written while citing this verse in support of qiyas:

“If we do not get from the verse guidance for the times of peace than how do we cite it for validity of qiyas.” ( Tafseer Fath-ul-Bayan, v2 p33)

The Third Verse

“Why, then, should not of every section of them, a party go forth, that they may become learned in (the knowledge of) religion, and that they may warn their people when they return to them, that they may be aware.” (9:122)

This verse confirms that all members of Muslims must not occupy themselves in works like Jihad and so on. Rather there should be a party of them who occupy themselves day and night to
acquire perfect understanding of faith. They may thus teach the commands of Shari‘ah to those who cannot find time to acquire knowledge.

This verse binds the section devoting itself to learning to acquaint other people to the laws of Shari‘ah. And, it binds these other people to conduct themselves on the teachings imparted to them by the learned section and thus keep themselves away from disobedience to Allah. This is taqleed.

Imam Jassas has said:

فَأَسْتَلْوَانَ أَهْلَ الْذَّكَرِ إِنْ كُنْتُمْ لاَ تَعْلَمُونَ (الحل١:۳۴ و الإثباع الأثنى۷)

“In this verse, Allah has made it obligatory for the masses that when the ulama acquaint them (with commands of Shari‘ah) then they must preserve themselves (from disobedience to Allah) and obey the ulama.” (Ahkam-ul-Quran, v2 p262)

The Fourth Verse

(Q.16:43 & 21:7)

“So, ask the people (having the knowledge) of the Message, if you do not know.”

This verse outlines the principle of guidance that those people who are not experts in knowledge and sciences may ask the specialists in this field and act accordingly. This is known as taqleed.

Allamah Aalusi wrote:

وأَسْتَقِدِلْ بِهَا إِيَّا بِهَا وَجَرْبَةَ المَرَاجِعَةِ لِلسَّلَّمَا إِنْذِكِرْ عَلَى جُوازْ

“This verse is cited to prove that it is wajib to refer to the ulama for such things in which one lacks knowledge. Allamah Jalaluddin Suyuti wrote in Ikleel that it is deduced from this verse that taqleed is allowed to the common men for branch issues.” (Ruh-ul-Ma’ani, v14 p148)

Some people argue that this verse is specific to a particular situation. The idolators of Makkah used to ask why an angel was not sent to them as a Messenger. In answer, this particular verse was revealed and all its words are:
“And We sent not (Messengers) before you (O Prophet) but men to whom We sent revelation — ask the people (having the knowledge) of the Message, if you do not know.” (16:43)

Some exegetes say that the words ahi uz-Zikr (people- having the knowledge — of the message) are the scholars of the People of the Book, but some others hold that they are those of them who became Muslims in the Prophet’s times. Yet others contend that they are the people of the Qur’an, Muslims. The verse implies that everyone knows that all the past Prophets (AS) were mortal and none of them was an angel. So — those who disavow taqleed argue — that the context of the verse does not embrace the subject of taqleed and Ijtihad.

Our answer is that from the point of view of the text the verse is evidence of taqleed. We may take whatever meaning of ahl uz-Zir (people having knowledge of the message), but we are instructed to turn to them because of our personal lack of knowledge. This can be correct only when we concede that ‘every unaware should refer to the aware.’ It is to this principle that the verse guides us and it is on this basis that we know that taqleed is valid. We have made it clear earlier that:

العبرة بعومو اللفظ للخصوص المورد

“Reliance is placed on the general words of the verse, not on the specific condition for which it is revealed.” Therefore, we deduce from the verse the principle that those people who lack knowledge must refer to the knowledgeable. This is taqleed. Khateeb Baghdadi wrote:

أما من سوع له التقليد فهو العامي الذي لا يعرف طرق الأحكام الشرعية، فيجوز له إن يقلد عالما ويعمل بقوله، قال الله تعالى:”فاستعنوا أهل الذكر إن كنتم لا تعلمون“.

“As for the question who may make taqleed, it is the masses who do not know the methods of Shari’ah commands. It is allowed to them to make taqleed of a scholar and conduct themselves on this directions because Allah says (Ask the people of the message).” (Al-Faqeeh wal-Mutataqqih, v2, p68)

He has then reported on his chain of transmission that Amr ibn Qays said that ahl uz-Zikr in the foregoing verse means people of knowledge (scholars).
THE HADITH & TAQLEED

Like the Qur’an, many Ahadith also confirm the validity of taqleed. We reproduce some of them:

Sayyidina Huzayfah (RA) reported that Allah’s Messenger (SAWS) said, “I do not know how long I will survive among you. So, after me, follow two of them — Abu Bakr and Umar.” (Tirmidhi, Ibn Maja, Ahmed)

The Hadith uses the word iqtida (follow). It is not used to follow anyone in administrative affairs, but to follow someone in religious matters. Ibn Manzoor wrote:

(Al qudhah wa al qudhah man satin yhe)

(Qudwah is the person whose sunnah one pursues).

He wrote further:

(Al qudwa ashaw)

(qudwah means uswah) (Lisan ul-Arab v20 p31)

The Qur’an also uses this word to mean following the Prophets (AS) and the righteous in religious matters.

(Or lilk alladha hadi lahu fihada hamqaddha)

“There are they whom Allah guided, so follow their guidance.” (6:90)

We also read in the account of the Prophets death.
Sayyidina Abu Bakr followed the Prophet’s salah and the people followed Abu Bakr’s salah.
(Bukhari)

Sayyidina Abu Wa’il reported:

“I sat near Shaybah ibn Uthman and he said, ‘(One day) Sayyidina Umar (RA) was sitting at the same place as you are now sitting and he said that he intended to distribute among the people all the gold and silver found in the Ka’bah. I told him that he had no authority to do so because both your predecessors (the Prophet (SAWS) and Sayyidina Abu Bakr (RA)) did not do so. He said that indeed both of them are such as must be followed.’” (Ahmed)

It is reported by Sayyidina Anas (RA) that the Prophet (SAWS) said in a gathering, “Shortly a person entitled to admittance to Paradise will come to you.” Indeed, an Ansar Sahabi came in. The same thing happened on the second and third days. So, Sayyidina Abdullah ibn Amr (Amr) went to him and stayed overnight with him, imagining that he would find him occupied in worship exceptionally. But, after some devotional exercises, he slept all night until Fajr. So, Abdullah ibn Amr (RA) said to him:

“I had come to you to watch your deeds and follow you.” (Ahmed)

In all these Ahadith, the word ‘iqtida’ is used for following anyone in religious matters, particularly in the first two Ahadith. This is called taqleed.

(2) Sayyidina Abdullah ibn Amr (RA) reported that the Prophet said:

In the future, the Prophet (SAWS) will say to the believers: ‘Whoever holds to the Messenger of Allah, the last of the people’ (verse 4).
“Surely, Allah will not take away knowledge by removing it from (hearts of) men, but He will take away the ulama (to Him) till when there are none of them left, then people will make the ignorant their chiefs. They will be asked and they will issue fatawa (edicts, rulings) without knowledge. Being misguided themselves, they will misguide others, too.” (Bukhari, Muslim, Mishkat)

This Hadith clearly says that to give fatawa is the work of the ulama. This in turn means that people must ask them for religious rulings and they must issue commands on which people must conduct themselves. This is the aim of taqleed.

Another thing worth considering in this Hadith is that the Prophet (SAWS) foretold of a time when the scholars would disappear. The ignorant will issue fatwa. The question arises, what other option people have of observing Shar’iah in those times than in following the expired ulama because neither is anyone qualified to seek direct guidance from Qur’an and sunnah nor is there a surviving scholar to refer to. Hence, the only option available to them is to follow the departed scholars through their writings and so on.

Therefore, the Hadith is evidence that as long as the mujtahid ulama are available, they must be consulted and their rulings must be observed. When there is no scholar left, instead of regarding the unworthy as mujtahid and acting on their fatawa, taqleed must be made of previous ulama.

(3) Sayyidina Abu Hurayrah (RA) reported that Allah’s Messenger (SAWS) said:

من أفلح بغير علم كان أعلم عليه من أئمة
(رواية بودارد)

“If anyone gives a ruling without knowledge then the sin for it will be on him who gives the ruling.” (Abu Dawood)

This Hadith is an explicit evidence in support of taqleed. If taqleed was not proper and conducting oneself on a fatwa without examining evidence was not proper then why was there sin on one who issues fatawa? Rather, just as the mufti was a sinner for issuing an edict without knowledge, so too the person acting on it without investigating its soundness should be called a sinner. Thus, the Hadith made it clear that if anyone is not a scholar then his responsibility is only to the extent that he enquires from one whom he thinks is a scholar of the Qur’an and sunnah. If the scholar gives a wrong answer then no sin will fall on the person asking the question, but on him who answers.

(4) Sayyidina Ibrahim ibn Abdur Rahman al-Uzri (Rah) has reported that Allah’s Messenger said:

يحمل هذا العلم من كل خلف عدوله ينفون عنه تحريف الغالين
واقحال المبطلين وتأويل الجاهلين
(رواية البهطبي في المدخل)

17
“The trustworthy people of every generation will be the bearers of the religious knowledge. They will remove the manipulations of those who exaggerate in it, false claims of the liars and the interpretations of the ignorant.” (Mishkat Al-Masabeeh, Bayhaqi)

This Hadith scorns on the interpretation of the ignorant and says that it is the duty of the ulama to refute them. Thus those who do not posses the insight of the mujtahid must not rely on their understanding to interpret the commands of the Qur’an and sunnah. Rather, they should get in touch with the scholars. This is taqleed. Besides, though only those who have some understanding will try to interpret the Qur’an and sunnah, yet the Hadith calls them ignorant and condemns his interpretation. Thus, a little knowledge of Arabic is not enough to extract commands and rulings from the Qur’an and sunnah. Rather, it requires the insight of the mujtahid.

(5) Sayyidina Abu Sa’eed al-Khudri (RA) has reported that some Sahabah began to come late for salah. So, the Prophet (SAWS) encouraged them to come early and join the front rows in prayer. He also said:

ايعملوا بي ولبئتم بكم من بعدكم

“Observe me and follow me and those after you will observe you and follow you.” (Bukhari, Muslim)

Of course, it does mean that worshippers in the front rows will watch him and follow him while those in rows behind will watch and follow them. The other meaning apart from that could be that they should come early to be able to obseve the Prophet’s (SAWS) method of salah carefully, so that those who succeed them will make their taqleed and follow them.

Ibn Hajar explains this Hadith:

وقيل معناه تعلموا منى أحكام الشريعة. ولتعلم منكم التابعين
بعدكم وكذلك أنباعهم الى …… انقراض الدنيا

“Some people have said that this Hadith means, you learn the commands of Shari’ah from me and the tabi’een following you will learn from you and this would go on one after another till the world ends.” (Fath al-Bari v2 p171)

(6) Sayyidina Sahl ibn Mu’az (RA) reported on the authority of his father:
“A woman came to the Prophet (SAWS) and submitted: O Messenger of Allah! My husband has gone away participating in jihad. When he offered salah, I followed him, and I followed all his deeds. Now, you teach me a deed that may make me equal to his deed (which is jihad) till he returns (to the end)………” (Ahmed)

The woman disclosed that she followed her husband not merely in salah, but in all deeds. However, the Prophet did not disallow her in any way (to do so).

(7) Sayyidina Abdullah ibn Amr (RA) reported that the Prophet (SAWS) said, “If anyone has two characteristics than Allah will record him as grateful and perseverant.” The two characteristics are:

من نظر في دينه الى من هو فوقه فافقدى به ونظر في دنياه الى من هو دونه فحمد الله.

“He watches someone higher in rank than him in matters of religion and follows him, and watches a person lower than him in worldly matters, and thanks Allah that He has kept him better off than him.” (Tirmidhi, Sharah Ibn al-Arabi v9 p317)
ERA OF THE SAHABAH & ABSOLUTE TAQLEED

In the times of the Sahabah, taqleed was observed much. Those of them who could not give much time to acquire knowledge, or could not decide a particular issue on their own ijtihad, consulted other jurist Sahabah and conducted themselves on that. We find that they observed both Absolute Taqleed and Taqleed Shakhsi, the examples of the former could fill a whole volume. Here are some examples of ‘taqleed mutlaq’ (Absolute Taqleed):

(I) Sayyidina Ibn Abbas (RA) said that Sayyidina Umar (RA) delivered a sermon at Jabiyah, saying, “O People! If anyone wishes to ask anything about the Qur’an, he must go to Ubayy ibn Ka’b. He who wishes to know about injunctions on inheritance, must go to Zayd ibn Thabit. And one who intends to learn about fiqh must go to Mu’az ibn Jabal And if anyone wishes to know about wealth and property he must come to me because Allah has made me its guardian and distributor.” (Khateeb)

Sayyidina Umar (RA) named the subjects and the scholars whom people should approach for knowledge. Those who were qualified might even learn the arguments while the others might simply rely on their words and act on them. This is taqleed. Thus, the Sahabah conducted themselves on the rulings given and, if they were not qualified, did not ask for evidences and reasoning.

(2) Sayyidina Saalim said that someone asked Sayyidina Abdullah Ibn Umar (RA) that a man borrowed some amount of money from another for a specified period. The creditor was willing to waive a portion of the debt if the debtor repaid before the due date. Sayyidina Ibn Umar (RA) did not like it and he disallowed it. (MUwatta Imam Malik p279)
There is no clear Hadith on this question traceable to the Prophet (SAWS). So, this is the ijtihad of Sayyidina Ibn Umar (RA) and his own analogical conclusion. Neither the person enquiring asked for reasoning nor did Sayyidina Ibn Umar (RA) disclose it. This is taqleed.

(3) Abdur Rahman said that he asked Muhammad ibn Sireen (RAh) whether it was allowed to enter the public bath (for having a bath). He said that Sayyidina Umar (RA) regarded it to be makruh (disliked). (Al-Matalib al-Aaliyah, Ibn Hajar, v1 p51)

The great tabi’ee of the calibre of Muhammad ibn Sireen (Rah) thought it enough to say that Sayyidina Umar (RA) called it makruh, but did not offer any reasoning. In fact, there are marfoo’ Ahadith on this subject, one of them narrated by Sayyidina Umar himself. (Fath al-Bari, v2 p150)

(4) Sulayman ibn Yasar (Rah) said that Sayidina Abu Ayub Ansari (RA) began his journey for Hajj. When on the route to Makkah, he reached Naziyah, he lost his riding beasts. On the Day of Sacrifice (10th Zul-hajjah, when Hajj was over) he came to Sayyidina Umar (RA). He related to him his predicament. Sayyidina Umar (RA) instructed him to perform those duties that a pilgrim performing Umarah performs. In this way, he would come out of the ihram and next year he should return in the months of Hajj and perform Hajj and offer the sacrifice that he would afford. (Muwatta Imam Malik p149)

Neither was reasoning requested nor offered. He acted on the ruling of Sayyidina Umar (RA). This is taqleed.
(5) Mus‘ab ibn Sa‘d said, “When my father (Sa‘id ibn Abi Waqqas RA) offered salah in the mosque, he performed the bowing and prostration carefully, but he was nevertheless brief about them. But, at home, he prolonged them (and other postures of salah). I asked him respectfully why he did that. He said that he was the imam of the people who followed him. (They would think that they too should prolong their salah if they saw him do that: That would soon become necessary.) (Majma Az-Zawaid v1 p182)

This discloses that the masses did not merely follow the sayings of the Sahabah but also emulated their actions, that is they made taqleed. Thus, there was no question of seeking reasoning on making taqleed of deeds. They were very careful people.

(6) Sayyidina Umar RA saw Sayyidina Talhah ibn Ubaydullah RA wearing a coloured cloth while in a state of ihram. So, he asked him why, and Talhah RA, said, “0 Ameer ul-Mu’mineen! This is a fabric unscented (which is allowed while assuming the ihram).” Sayyidina Umar RA said, “You people are imams and leaders. People follow you. If one who is unaware observes you, he would presume that since you were wearing it in a state of ihram (so it is permissible, and he too would wear scented coloured cloth).” (Ahmed v1 p196)

(7) Also Sa’yidina Umar RA saw Sayyidina Abdur Rahman ibn Awf RA wearing socks (of a particular kind), and said:
“I adjure you that you must remove them because, I fear, the people might see you and follow you.” (Asabah, Ibn Hajar v2 p361)

The foregoing events prove clearly that people made taqleed of the Sahabah, who were distinguished in knowledge and understanding, not only of their sayings and rulings but also of the deeds which meant that they did not seek to know the reasonings. This made it all the more necessary for the Sahabah to be careful and they impressed upon others too to be careful.

(8) Sayyidina Umar RA sent Sayyidina Abdullah ibn Mas’ood RA to Kufah and he wrote a letter to the people of Kufah,

إني قد بعثت اليكم بعمر بن ياسر أميراً، وعبد الله بن مسعود
معلماً وزيراً، وهما من النجاه من أصحاب رسول الله صلى الله عليه وسلم من اهل بدر فاقتدوا بهما واسمعوا من قولهما

“I have sent Ammar ibn Yasar RA as ameer and Abdullah ibn Mas’ood RA, as a teacher and minister. Both of them are the superior Sahabah of the Prophet SAWS. They are also the participants of Badr. So, follow them and obey them.”

(9) Sayyidina Abdullah ibn Mas’ood RA explained the principles of judgement:

فمن عرض له منكم قضية بعد اليوم فليقض بما في كتاب الله،
فإن جاءه أمر ليس في كتاب الله فليقض بما قضى به نبيه صلى الله عليه وسلم
فإن جاءه أمر ليس في كتاب الله ولا قضى به نبيه صلى الله عليه وسلم
فإن جاءه أمر ليس في كتاب الله ولا قضى به نبيه صلى الله عليه وسلم

“Whoever has to pass judgement after today must judge by Allah’s Book. If he does not find it in Allah’s Book then he must decide according to the judgement of Allah’s Messenger SAWS. But, if he does not find it in Allah’s Book or in the judgements of the Prophet SAWS then he must decide according to the judgements of the righteous. But if he has a case in which he does not find it in Allah’s Book, in the Prophet’s and the righteous men’s judgement then he must make his own ijtihad.”

He has mentioned four stages. The Qur’an, the Prophet’s sunnah, judgements of the righteous and ijtihad. However, no sane person can deny that even though Allah’s Book is to be consulted first, it does not mean that the sunnah should be overlooked completely and Allah’s Book should be interpreted by one’s own opinion. Rather, the ulama are agreed that Allah’s Book should be interpreted in the light of the sunnah. If this is not done then it would be argued that the
punishment of an adulteror is a hundred stripes according to the Qur’an, so it is not necessary to turn to the sunnah and the command of rajam (stoning to death) being contrary to the Qur’an is void (we seek refuge in Allah from this evil thought.) This line of argument is wrong accordingly to the consensus of the ummah.

Exactly in the same way, the judgements of the righteous are not totally ignored when judging by the Qur’an and sunnah. Rather, the Book and sunnah are interpreted in the light of their views. In fact, the essence of taqleed is that when a command of the Book and sunnah is not clear, then to choose one of the several differing meanings, help is sought in the sayings of one of the mujtahideen, as we have discussed earlier.

Besides, Sayyidina Abdullah ibn Mas’ood RA gave this command to one who was appointed to the office of judge. This means that it is not only the ignorant and illiterate who have to make taqleed, but even the ulama must have recourse to the more learned of their predecessors. (It is quite another matter that there is much difference in the taqleed of an ignorant and of a scholar, as we shall observe later.)

(10) Saalim ibn Abdullah said:

"Sayyidina Ibn Umar did not recite behind the imam. So, I asked Qasim ibn Muhammad RAh about it and he said, “If you (too) give it up then people who are worthy of being emulated have given it up. And if you recite it then people worthy of being emulated have recited it.” And Qasim was one of those who did not recite it.’ (Muwatta Imam Muhammad p96)

Observe! Sayyidina Qasim ibn Muhammad RAh - was among the elder tabi’een of Madinah, one of the seven jurists. His words say clearly that when an issue is debatable, it is proper to follow any imam (with sincere intention.)

(11) There is a report ascribed to Tabaqat Ibn Sa’d:

Someone asked Sayyidina Hasan RA if he drank water from the Umm Sa’d though it is sadaqah. He said, “Abu Bakr and Umar RA, drank from the well of Umm Sa’d so what is wrong (if I drink)? (Kanz ul-Ummal v3 p318)
Observe that he did not cite anyone else’s conduct but that of Sayyidina Abu Bakr RA and Sayyidina Umar RA. In other words, he followed them (made their taqleed).

These are a few random examples though there are innumerable such in books of aathar. Allamah Ibn al-Qayyim wrote:

والذين حفظت عنهم الفتاوى من أصحاب رسول الله صلى الله عليه وسلم مائة ونون وثلاثون نسمة ما بين رجل وامرأة.

“Of the Sahabah, those whose edicts are preserved, number a hundred and thirty. They include men and women.” (I’lam al-Muqi’een v1 p9)

The Sahabah offered references to the Book and sunnah sometimes and refrained from offering them sometimes simply stating the ruling. There are more examples, than offered by us, in Muawatta Imam Maalik, Kitab al-Aathar of Imam Abu Hanifa, Musannaf Abdur Razzaq, Musannaf Ibn Abu Shaybah, Sharah Mu’ani al-Aathar by Tahawi, Mutâlib al-Aaliyah by Hafiz ibn Hajar and so on.
TAQLEED OF INDIVIDUAL IN TIMES OF SAHABAH AND TABI’EEN

The foregoing were examples in which the Sahabah and Tabi’een asked a scholar or someone else but did not specify an individual to make his taqleed. In the same way, there are innumerable examples in Ahadith of individual taqleed. Here are a few of them.

**First Example**
Sayyidina Ikramah reported:

> اين أهل المدينة سألوا ابن عباس رضي الله عنهما عن امرأة طافت
> ثم حاضت قال لهم تنفر قالوا الفائدة بقولك وندع قول زيد

“So some people of Madinah asked Sayyidina Ibn Abbas about the woman who menstruated after the farewell tawaf: (Should she wait to perform tawaf wada, or may return without performing it?) He said, ‘She may go home (without performing it).’” The people of Madinah said, “We cannot act on your ruling and forsake Zayd ibn Thabit’s ruling.” (Bukhari)

The same Hadith on the transmission of Abdul Wahab ath-Thaqafi quotes the people of Madinah:

> لا نبالي أفيتنا ألم نفتنا زيد بن ثابت يقول لا تنفر

“We do not care whether you give an edict or not. The verdict of Zayd ibn Thabit is that she cannot go away (without tawafal-wada’).” (Fath al-Bari v3 p468)

The same incident is reported by Qatadah. The people of Madinah are quoted thus:

> لا تتابعكم يا ابن عباس وانت تخالف زيدا, فقال سلاو صاحبكم

> أم سليم

“O Ibn Abbas! We will not follow you in the matter you disagree with Zayd ibn Thabit. He said, “Ask Umm Sulaym (When you go to Madinah whether my ruling is correct).” (Abu Dawood p229)

Two things come to light from this incident. The people of Madinah abided by Sayyidina Zayd ibn Thabit’s rulings and Sayyidina Ibn Abbas also cited the Ahadith of Sayyidah Umm Sulaym. But, they had confidence in Sayyidina Zayd, so did not abide by the verdict of Ibn Abbas.
The second thing is that Sayyidna Ibn Abbas, too, did not object to their conduct. He did not say that by choosing one person to follow they were committing sin or polytheism. Rather, he advised them to consult Sayyidah Umm Sulaym and refer it again to Sayyidina Zayd ibn Thabit. When they did so, Sayyidina Zayd re-assesed the case and revoked his previous verdict and informed Sayyidina Ibn Abbas of it. This is explained in Muslim, Nasai, Bayhaqi and others. (Fath al-Bari v3 p468-469)

Some people have asked that if the Madinans were muqallid (followers of an imam), why should they investigate the Hadith of Sayyidah Umm Sulaym? (Tahreek Azadi Fikr p136).

But they are under a misconception that it is forbidden to investigate a Hadith after following a mujtahid. Most of the arguments of the ghayr muqallid are based on this misconception. As I have stated already, the reality of taqleed is merely that if anyone is unable to understand the Qur’an and Hadith on his own, to clear the superficial doubts, know the abrogated and ‘abrogating’ then without seeking a detailed study from a mujtahid, he relies on his (mujtahid’s) knowledge and conducts himself on his edict. Such a person is in no way disallowed thereafter to study the Qur’an and Ahadith. In fact, this door remains open even after taqleed. There are many scholars who have written exegesis of the Qur’an and Ahadith in spite of having adopted the mazhab of an imam. If they come across a Hadith that contradicts the ruling of a mujtahid, and there is no evidence against it then they conduct themselves on the Hadith, not the imam’s rulings. We will see this in detail later. Hence, it is not against talqeed to investigate a Hadith if an imam’s verdict seems to be against it. In the foregoing Hadith, both investigation and taqleed are observed. Sayyidina Zayd ibn Thabit was alive and could have been informed of the results of investigating the Hadith. So, that was done and he corrected his verdict accordingly and his followers were in no risk of contradicting the Hadith and their imam, too.

However, what is worth paying attention to is the assertion of the people that they could not neglect Zayd’s RA verdict and adopt Ibn Abbas’. If this is not taqleed of an individual, what is it?

Second Example
Sayyidina Huzayl ibn Shurahbeel reported that someone asked Sayyidina Abu Musa Ash’ari a ruling. He gave an answer but also advised them to ask Sayyidina Abdullah ibn Mas’ood. They went to him and told him that they had asked Abu Musa Ash’ari already. His ruling was contrary to Abu Musa’s who, when they told him about it, said:

لا تسألوني مادام هذا الحبر فيكم

“Do not ask me (for rulings) as long as this great scholar is among you.” (Bukhari v2 p997)
The words in Musnad Ahmad are:

لا تسألوني عن شيء مأهّم هذا البحر بين أظهركم

“As long as this major scholar is among you do not ask me anything.” (Ahmed v1 p464)

This is taqleed of individual which Sayyidina Abu Musa al-Ash’ary recommended.

Some people have wondered that Abu Musa al-Ash’ari disallowed recourse to him when Ibn Mas’ood was present, but it does not imply that he disallowed recourse to other Sahabah too, for, how could he prevent people from approaching the senior of them who were alive at that time? He could have meant that when the senior were there, the junior should not be approached. (Tahreek Azadi Fikr p138)

The truth is that this incident took place in Kufah were Sayyidina Abdullah ibn Mas’ood was the most learned man available. It took place in the times of Sayyidina Uthman, (Fath al-Bari v2 p14) and Sayyidina Ali was also not in Kufah then. Thus there was no one else of the calibre of Sayyidina Abdullah ibn Mas’ood. So, if the saying of Abu Musa were to mean, “When the senior is there, the junior should not be consulted,” it would mean the same thing that as long as Abdullah ibn Mas’ood is there, only he should be asked for rulings. There was no scholar in Kufah more learned than him. It is stated in Mu’jam Tabarani that Sayyidina Abu Musa Ash’ari was asked a question about suckling and he said the same thing thus:

لا تسألوني عن شيء مأهّم هذا بين أظهرنا من أصحاب رسول الله صلى الله عليه وسلم.

“Do not ask me anything as long as this (Ibn Mas’ood) of the Sahabah is among us.” (Majma’ az-Zawa’id v4 p262)

So, the situation in which Sayyidina Abu Musa, said this is a clear advice to make taqleed of an individual. It was not disallowed in the times of the Sahabah.
Third Example

(3) Sayyidina Mu’az ibn Jabal reported that when Allah’s Messenger sent him to Yemen, he asked him how he would decide cases when they were brought to him. He said, “According to Allah’s Book.” The Prophet asked, “If you do not find them there?” “Then according to your sunnah.” “But, if they are not there, then?” Mu’az said, “I will make Ijtihad and extract judgement with my opinion (and try to arrive at a true conclusion), not being negligent in that.” The Prophet was pleased and patted him lightly on the chest, saying, “All praise belongs to Allah Who caused the envoy of Allah’s Messenger to conform to what pleases Allah’s Messenger.” (Abu Dawood)

This incident is the light of guidance on taqleed and ijtihad. We wish to touch on only one aspect of this question that the Prophet SAWS sent only one of his competent Sahabah as governor, judge, teacher and mujtahid to the people of Yemen and bound them to obey him. He permitted him to issue edicts not only on the basis of the Qur’an and sunnah, but also on personal judgement and deduction. What else does it signify but that the people of Yemen were permitted to make taqleed of individual. Rather, he made it binding on them.

Sayyidina Mu’az was not sent only as a governor to Yemen, but also as a teacher and a mufti. So, it is wrong to suppose that this Hadith has nothing to do with rulings and edicts.

Aswad ibn Yazeed said that Sayyidina Mu’az ibn Jabal came to them in Yemen as their ameer and teacher. They asked him for a ruling on a man who had died leaving behind a daughter and a sister (what was their inheritance)? So, he gave half legacy to each. (Bukhari)

Here, he acted as a mufti and gave no reasoning for that. This has been accepted in taqleed, but his judgment is based on the Book and sunnah. Here is another edict based on his ijtihad.
Abu al-Aswad Deeli said that when Mu’az was in Yemen the people brought to him the case of a Jew who had died leaving behind a Muslim brother. (Would the Muslim brother inherit from him?) He said, “I have heard Allah’s Messenger say that Islam increases, does not decrease (so the Muslim brother cannot be deprived of inheritance).” And, he gave him his share of inheritance. (Ahmed v5 p230-236; This was his deduction otherwise the consensus is that a Muslim does not inherit from a non-Muslim)

Observe that he deduced from a Hadith that had nothing to do with inheritance. It was merely his independent judgement which the Yemenis accepted.

There is also this Hadith:

When he came to Yemen, a woman of Khwalan met Sayyidina Mu’az and, after salutation, said to him, “O man! Who has sent you?” He said, “Allah’s Messenger has sent me.” She said, “You are sent by Allah’s Messenger and you are his envoy. So, O Messenger of Allah’s Messenger will you not teach me (religion)?” He said, “Ask any question you like.” (al-Haythami in Zawaid)

Clearly he was not sent merely as a governor, but also as an envoy of Allah’s Messenger charged with teaching people the religion. The woman asked him what rights a husband had over his wife. In answer, he did not mention a verse or Hadith, but gave his answers according to Islam’s principles and gave no reasoning. What other evidence is required that he was sent not only as a judge and administrator, but also as an envoy of the Prophet to teach the people injunctions of Shari’ah and that the people might make taqleed of him.

Furthermore, Sayyidina Mu’az ibn Jabal was the Sahabi of whom the Prophet said, (The most learned of the Sahabah about the lawful and the unlawful.)’ (Nasai, Tirmizi, Ibn Majah). He also said about him:
“He will be raised on the Day of Resurrection while he is so much ahead of the ulama (leading them) as far as an arrow flies.” (Ahmed)

So, not only the Yemenis but also the other Sahabah followed him.

Abu Muslim Khawlani reported that when he went to the mosque of the people of Damascus, he saw old-aged Sahabah sitting in a circle (who, according to a version, were about thirty). There was a young man among them, antimony applied to his eyes and teeth bright white. When they differed about some issue, they referred it to him. Abu Muslim asked the man next to him who he was and he answered, “Muaz ibn Jabal .” (Ahmed v5 p236)

Observe that about thirty of the Companions followed Mu’az in debated issues. The words in another version are:

That is, “They asked Mu’az to decide and accepted his judgment.” (Ahmed v5 233)

So he is one of whom the Prophet said that he was the most learned about the lawful and unlawful and whom the other Sahabah followed — that is, made taqleed. The Prophet had required the Yemenis to turn to him in religious matters. This is taqleed.
Fourth Example

Amr ibn Maymoon al-Awdi said that Sayyidina Mu’az Ibn Jabal went to them in Yemen as the Prophet’s envoy. He said, “I heard his takbir in the Fajr salah. His voice was heavy and I naturally developed a love for him. Then, I did not separate from him till he died. I buried him in Syria. Then I looked for the next greatest jurists and came to Ibn Masood and stayed with him till he died. (Abu Dawood v1 p26, Ahmed v5 p231)

Sayyidina Amr ibn Maymoon stayed first with Sayyidina Mu’az ibn Jabal and then with Sayyidina Ibn Mas’ood to learn the issues of fiqh. Thus, it is a clear example of making taqleed of one man at one time (taqleed of an individual).

Some Assorted Examples

It is reported by many of the tabi’een that they had chosen to follow one or another Sahabi. Here are the examples:

Imam Sha’bi said:

من سره أن ياخذ بالوثيقة في القضاء فليأخذ بقول عمر

“To whom it pleases to gain authority in judgement let him adopt the sayings of Umar RA.”
(I’lam al-Muqi’een, Ibn al-Qayyim v1 p15)

Sayyidina Mujahid said:

إذا اختلف الناس في شئ فانظروا ما صنع عمر فخذوا به

“When people disagree about an affair, see how Sayyidina Umar acted. Thus, follow him.”
(I’lam al-Muqi’een, Ibn al-Qayyim v1 p15)

Imam A’mash said about Ibrahim Nakh’ee:
“When Sayyidina Umar and Sayyidina Ibn Mas’ood agreed about a question, Ibrahim Nakh’ee did not regard any verdict equal to theirs. But when they differed, he went by Abdullah’s (Ibn Masood) verdict.” (I’lam al-Muqi’een, Ibn al-Qayyim v1 p13-14)

Sayyidina Abu Tamimah said:

> قد منا الشام فَأَذَا الناس مَجَّمَعُون بِرَجْلٍ، قَالَ، قَلْتُ مِن هذَا؟ قَالُوا هذَا افْتَهَهُ مِن بَقِيَّ مِن أصحابِ النَّبِي صلى الله عليه وسلم، هذَا عَمْرُو الْبِكَالِيَّ.

When we came to Syria, we saw that people had gathered round a man. They moved around him. I asked who he was and I was told that of the surviving Sahabah, he was the greatest jurist, that is Amr al-Bikali.” (I’lam al-Muqi’een, Ibn al-Qayyim v1 p14)

Imam Muhammad ibn Jarir Tabari said:

> لَمْ يَكُن أَحَدُهُ أَصْحَابٍ مَعْروَفْن حَرُورُ افْتِيآهِ وَمُذَاهْبِهِ فِي الْفَقْهِ عِنْدَ ابْنِ مَسْؤُودَ، وَكَانَ يَرْكَبُ مَذْهَبهُ وَقُوَّلُهُ لْقُولِ عُمْرٌ، وَكَانَ لَا يَكَادُ يَخْالَفُهُ فِي شَيْءٍ مِنْ مَذَاهْبِهِ، وَيَرْجِعُ مِنْ قُوَّلِهِ إِلَى قُوَّلَهُ، وَقَالَ الشَّهْيُ كَانَ عَبْدُ اللهِ لَا يَقْتِنُ، وَقَالَ: وَلَوْ قَتَفَ عُمْرٌ لَقَنْتُ عَبْدَااللَّهِ.

“There is no one (among the Sahabah) who may have as many famous students and whose rulings and juristic teachings may have been compiled as Ibn Mas’ood’s. In spite of that, he preferred Umar’s rulings and sayings to his own. He almost did not disagree with him. He withdrew his rulings against Umar’s. And Imam Sha’bi said that Abdullah did not recite the qunoot but if Urnar recited it then he too recited it surely.” (I’lam al-Muqi’een, Ibn al-Qayyim v1 p16)

These are examples of Taqleed of Individual. However, there are different ranks of those who make taqleed. In accordance with that, though a man is muqallid of an imam, he disagrees with him on certain issues, yet his taqleed is said to be individual. For instance, many scholars of the Hanafi school have issued edicts contrary to the sayings of Imam Abu Hanifah yet they are called his muqallid. We will discuss it later on in this book, Insha Allah. Hence, the reference of Ibn al-Qayyim and others to the juristic differences among the Sahabah and Tabi’een in response to these examples does in no way upset our conclusion. (I’lam al-Muqi’een, Ibn al-Qayyim v2 p170)(see Inha as-Sukan v2 p4-69 for a reply to Ibn Qayyim’s objections)
In short, the foregoing narrations confirm that the Sahabah observed both kinds of taqleed (individual and absolute). One who is not qualified or able to deduce the commands directly from the Qur’an and sunnah is justified to observe both kinds of taqleed; it is both proper and lawful for him to do so.

Shah Waliullah Muhaddith Dahlavi wrote:

“That (which is said in condemning taqleed) is not applicable to one who does not regard as liable to observe anyone’s saying, except the Prophet’s and believes that only that is lawful which Allah and His Messenger have made lawful and that is unlawful what they have made unlawful. However, since he is not acquainted with the sayings of the Prophet nor is he able to reconcile apparently contradictory versions and he is not adept at deducing commands from his sayings, so, he follows a guided scholar who is truthful, righteous and who observes the Prophet’s sunnah. But, if he finds him otherwise then he may cease his taqleed without dispute or quarrel. How can anyone reject this conduct (of taqleed) while right from the Prophet’s time, the practice of requesting a ruling and giving one is observed. So, (if that this valid then) a man may always ask the same person for a ruling. (This is taqleed of the individual). Or, he may ask different people at different times (which is absolute taqleed) provided the aforementioned conditions are met. (Hujjatallah al-Balighah v1 p156)
THE NEED TO MAKE TAQLEED OF AN INDIVIDUAL

Hence, it is proper to conduct oneself on either ‘absolute taqleed or ‘taqleed of an individual’.

May Allah shower mercy on the latter day jurists who understood the needs of their times. They saw wisdom in allowing only Shaksi or Individual Taqleed. People should not change allegiance to the imams.

To know their reasoning, we must first realise that slavery to one’s own desires is a misguidance that might lead one to disbelief. This is why the Qur’an has frequently emphasised that one must not overindulge in personal desires.

There is a kind of it in which although man realises it to be evil yet he succumbs to the longing of his self and commits sin. This kind is a great crime, but it is not serious because there is always a possibility that man will repent and seek forgiveness for his sins.

There is another kind in which man becomes a slave to his desires to such an extent that he does not distinguish between the lawful and the unlawful. He plays with Shari’ah. Obviously, it is a very serious kind, dangerous and ruinous and it is necessary to keep away from every deed that may take man on the route of such desires.

The scholars realized that men became less reliable, day by day, and they were less careful and less righteous. If they were allowed to observe ‘absolute taqleed’ then they would indulge in evil desires knowingly or unconsciously. For instance, a man bleeds in winter and he knows that his ablution is rendered invalid according to Imam Abu Hanifah, but it is not void according to Imam Shafi’ee. So he finds it convenient to make taqleed of the latter imam and offers salah without making ablution. Later on, he touches a woman. According to Imam Shafi’ee his ablution is void but is retained according to Imam Abu Hanifah, so he switches allegiance to Imam Abu Hanifah and again offers salah without ablution. So, he adopts the saying of whichever imam he finds convenient for him. In other words, the commands of Shari’ah will become a plaything for him. This is surely unlawful and all Muslims agree on it. Allamah Ibn Taymiyah wrote:
“Imam Ahmad and others have explained that no one has a right to declare something as forbidden to pursue his desires and then allowed when he finds that more suitable. Thus, as a neighbour he may claim right of pre-emption according to the Hanafi school, but when his neighbour claims it from him he may reject it on the plea of the Shafa’i school of thought. Or, he may claim inheritance of his dead brother when his paternal grandfather is alive as a co-sharer with him, but when he is the paternal grandfather and his grandson dies leaving a brother, he denies him a co-share in inheritance. Such conduct is unlawful.” (al-Fatawa al-Kubra v2 p237)

He wrote elsewhere:

“Such people follow an imam who holds that marriage is void, but later they switch over to one who regards it to be proper. Such conduct is unlawful unanimously in the eyes of the ummah.”

Then again he wrote after a few lines:

وَتَنظِرُ هَذَا اِنْ يَغْفِرَ الْجَارِ ثُوْبَ شَفْعَةِ الْجَارِ اَذَا كَانَ طَالِبًا لِّلْحُرَايْثِ وَعَدَّمَ ثَوْبَهَا اِذَا كَانَ مُشْرِيْيَا فَإِنْ هَذَا لَا يِجَوزُ بِالْإِجْمَاعِ وَكَذَا مِنْ بَنِي صَحِبَةِ وَلَا أَبَيْنُ لِلْإِجْمَاعِ وَلَا أَبَيْنُ لِلْإِجْمَاعِ لِلْمُسْلِمِينَ وَلِوَلِيِّ الْعَدِيدِ الْمَهْدِيِّانِ اَنْ لِمَا كَانَ أَعْرَفْنَاهُ اِنْ اَذِنَ الْأَيَامِ اَتَّهَمُ اَنْ لِمَا مَنْ يَنْبِلَ اِنْذَا كَانْتُ اَنْ لِمَا يَفْتَحُ بَابُ الْعَلَّامِ بِالْإِجْمَاعِ بَلْ هُمْ يَفْتَحُ الْعَلَّامُ بِالْإِجْمَاعِ لِيَفْتَحُ الْعَلَّامُ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعةِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ بِالْإِجْمَاعِ Bِالْإِجْمَاعِ Bِالْإِجْمَاعِ
“Its example is that when a person is himself in want of it, he opts for preemption. But, if he is the buyer, he is against preemption. This is unlawful conduct. Similarly, when marriage is contracted, a man considers the guardianship of a sinner correct, but when divorce is effected he considers that same guardianship invalid so that he may not be guilty of having performed wrong. This conduct is unlawful. Again, if someone says that he had not known of a school of thought which he now joins then too his word is not accepted because it might lead others to play with religion to measure lawful and unlawful on his desires.” (al-Fatawa al-Kubra v2 p285-86)

This is a great wrong and Allamah Ibn Taymiyah did not subscribe to taqleed of individual, yet he confirms that it is unlawful to switch over sympathies.

In the times of the Sahabah and tabi’een people were very God-fearing and righteous. So there was not apprehension in absolute taqleed that people would succumb to their base desires and turn to one or other mujtahid now and then. Hence, there was no distaste in absolute taqleed in those days.

When later jurists found that people were becoming unreliable, they gave the verdict that only taqleed of an individual was allowed. This was not a command of Shari’ah but an edict for administrative reasons. Allamah Nawavi said about it:

ووجهه إنه لجاج اتباع ائم مذهب شاء لأفسان أن يلتقط
رخص المذاهب متبعة هواه وينتخب بين التحليل والتحريم
والوجوب والجواز، وذلك يؤدي إلى انحلال ربة التكليف
بخلاف العصر الأول فإنه لم تكن المذاهب الواقية باحكام
الحوارث مهلبة وعرفت، فعلي هذا يلزم أن يجهد في اختيار
مذهب يقلده على التعبين.

“The reason taqleed of an individual has been made binding is that if man was allowed to follow whichever school of thought he liked then he would seek ease in every school of thought and act according to his desires. People will get authority over the lawful and unlawful, the permitted and forbidden. The restrictions of the Shari’ah will be removed finally. In earlier days, the schools of thought were not arranged completely and well-known. (Now that they are compiled and known) it is essential for everyone to select one of them and follow it specifically. (al-Majmoo’ Sharah al-Muhazzib v1 p91)

Thousands of mujtahids have come since the days of the Sahabah, and there certainly are somethings that are easy with some and, being human, some errors have crept in and it is with all that one or two things that are against general consensus. So, if absolute taqleed is allowed, people would choose the easiest and Shari’ah commands would become meaningless. For example,
Imam Shafi’ee permits playing chess.

Abdullah ibn Ja’far allowed singing and flute. (Ithafab-Sadatul Mutqeen v6 p458-459)

Qasim ibn Muhammad allowed pictures without shadows. (Nawawi, Sharah Muslim v2 p199)

A’mash held that fasting commenced from sunrise, not dawn. (Rooh al-Ma’ani v2 p67)

Ata ibn Abu Ribah held that if Eid fell on Friday then both the salah of Friday and Zuhr are waived and there is no salah, till Asr. (Tahzeeb al-Asma wal-Lughat, Nawawi v1 p334)

Dawood Zahiri and Ibn Hazam have ruled that one who intends to marry a wornan may see her in the nude. (Tuhfah al-Ahwazi v2 p170)

And Ibn Sahnun and others are said to have allowed anal intercourse. (Talkhees ul-Jeer v3 p186-187)

These are a few examples that came to mind suddenly. Actually, there are many such sayings in books of fiqh and Hadith.

So, if Absolute taqleed is allowed and everyone is permitted to do as he likes and choose a ruling that suits him then he would collect such sayings and prepare a religion with the help of his Nafs (self) and the Shaytan (devil). This is not allowed by anyone. Mu’mar has said:

لؤوان رجلاً اخذ يقول اهل المدينة في استعمال الغناء والابان

النساء في ادبار هن، ويقول اهل مكة في المتمنا والصرف،

ويقول اهل الكوفة في المسكر كان شر عباد الله.

“If anyone listens to songs, opts for the ruling of some Madinans about anal intercourse, of some Makkans about mut’ah and sarf, or some Kufians about drugs then he will be the worst of Allah’s slaves.” (Talkhees al-Jeer v3 p187)

If taqleed of an individual is not made compulsory, man can choose what his desires prompt quite unconsciously.

Allamah Abdur Rauf Munadi has discussed this question exhaustively. He cites Ibn ul-Humam as saying:

والغالب أن مثل هذه الالتزامات لكف الناس عن تباع الرخص

“Most certainly, these restrictions aim at preventing people from seeking convenience and ease (on the prompt of base desires).” (Fayd al-Qadeer v1 p211)

Allamah Abu Ishaq Shatbi Maaliki has given examples of many events in his work al-Mawafiqat. By selecting convenience in different schools of thought instead of observing the
Qur’an and sunnah, people found their base desires being satisfied. He cites Allamah Mazari, a scholar of the Maaliki school, who refused to issue an edict on any ill-known saying:

“I cannot encourage people to act on the ill-known (among the) sayings of Imam Maalik and his friends, for, taqwa is on the decline. There is little done to protect piety. Desires have multiplied and claimants to knowledge are aplenty who are quick to issue rulings. If they are allowed to oppose the Maaliki school then instead of reformation, corruption will rise. People will disrespect religion…” (al-Muwafiqat v4 p146-147)

Allamah Shatbi then comments:

“Allamah Mazari agrees with the impact and rejects to rule on any ill-known saying of the Maaliki school… taqwa and honesty have been scarce even among those engaged in learning and propagating…, if we are lax, every school of thought will be uprooted.” (al-Muwafiqat v4 146-147)

Ibn Khuldun wrote:
The followers of the four imams spread over every city and those of other imams became extinct. The door of differences was shut because, for one, terminology of the sciences became complex making it difficult to attain the status of ijtihad. The second reason was the apprehension that the unworthy might practice ijtihad who are unreliable. So, the ulama withdrew from ijtihad and directed the people to taqleed of the four imams, and disallowed them from continuously changing the imams because that would make religion a plaything.”

(Muqaddamah Ibn Khuldun p448)

In short, there was honesty and sincerity in the times of the Sahabah and the tabi’een. They were safe from base desires overtaking them in Shari’ah injunctions. So taqleed of both kinds was practiced in their times. Later when there was great apprehension, taqleed was restricted to the individual kind. If that was not done, there would have been an unimaginable turmoil in matters of Shari’ah. Shah Waliullah states:

“Know that people were not accustomed in the first and second centuries to follow any one specified mazhab After the second century, a mujtahid was specified and followed. There might have been very few people then who did not follow a specific mujtahid’s mazhab. That was wajib then.” (Al-Insaaf fi bayanSabab ikhtilaf p57-59)

Some people wonder how that which was not necessary for the Sahabah became necessary for later day people. So, he answered this question too.
“It is actually necessary that there should be people in the ummah who explain the laws of Shari’ah with reasoning. If there are many ways to discharge that wajib then one of them should be chosen. But if there is only one way to do that then it is necessary to gain that method. For example, our predecessors did not write the Ahadith, but it is wajib to write them down in our times, because there is no other way to circulate Hadith. Similarly, our predecessors did not occupy themselves in learning grammar because that was their mother tongue, but it is wajib in our times to learn Arabic because we are very far from the earlier Arabs. There are many other examples (of something becoming wajib with changing times) and we must imagine the specification of an imam on this, for it can be wajib sometimes and not at other times.”

He went on to write:

“Thus if an ignorant person is in India or any place (like Central Asia) where there is no Shafi’ee, Maaliki or Hanbali and none of their literature, then for him only the taqleed of Imam Abu Hanifah is wajib and he is forbidden to forsake his school of thought, for, he will then..."
become free to cast off restriction. This is different when he is in the Harmayn (Makkah or Madinah) where he may follow any one of the four schools of thought.” (al-Insaaf p69-71)

He said further:

"Binding oneself to the mazhab of the mujtahid is a secret with which Allah has inspired and made them unanimous on it knowingly or unconsciously.” (al-Insaaf p63)

Shah Waliullah also said:

“A Clear Example

We have a very clear example of taqleed of an individual when in the times of Sayyidina Uthman ibn Affan, the Qur'an was being collected. According to Ibn Jarir, Sayyidina Uthman abolished six of the seven readings of the Quran, retaining only the Quraysh dialect. He had all the copies in other readings burnt down. From the Prophet’s period to the times of the first two Khalifahs, it was allowed to everyone to recite the Qur’an in one of the seven dialects, but Sayyidina Uthman realised that with change of times, there was possibility of mischief cropping up if the seven readings were retained. Ibn Hajr writes about it:.
“In the same way, the ummah were instructed to protect the Quran, and to recite it. They were allowed to choose one of the seven ways of reciting. Then the same ummah made it binding on themselves that they would retain only one recital, and recite according to that, and forego the remaining six recitals.” (Tafseer Ibn Jarir v1 p19)

Ibn Jarir answered any possible objection by clarifying that the ummah were merely given choice of the seven readings which were not fard or wajib. Later they found wisdom in abolishing six of those readings.

“That which those people did was wajib on them. Whatever they did was for the good of Islam and the followers of Islam. Hence, it was better for them to do this than to keep Islam and its people open to harm (by retaining all the seven recitals).” (Tafseer Ibn Jarir v1 p22)

There is also the point of view, forwarded by Imarn Maalik, Ibn Qutaybah, Abul Fadl Razi and Ibn al-Juzrj, and others. It is that, “Sayyidina Uthman did not eliminate the six recitals. Rather all seven readings prevail to this day. However, he did determine a style of writing for the Qur’an.” (Fath al-Bari v9 p25-26)

If we adopt this point of view, which most scholars have, even then this is an example of ‘taqleed of an individual’, for before that the Qur’an could be written down in any script. In fact, even the sequence of surah differed in different copies. It was proper to write the Qur’an in that way and arrangement. However, keeping the good of the ummah before him, Sayyidina Uthman withdrew this choice and wrote down the Qur’an on an uniform script and sequence and made that binding on everyone to follow. He put the other copies on fire.

Whichever way we look at the action of Sayyidina Uthman as gathering the ummah on one reading, or one style of writing and sequence, this is a clear case of taqleed.

The same situation was faced in the case of taqleed because it was not wajib in the times of the Sahabah and tabi’een to follow one imam. However, circumstances of later days outlined in the foregoing lines compelled the ulama to make it obligatory to observe ‘taqleed of an individual’, ‘Absolute taqleed’ was abolished. So, this action is not bid’ah, for, we have the example of Sayyidina Uthman that if the ummah had multiple choice for an affair, they could select one of them to save themselves from mischief. This is all there is to taqleed Shaksi (individual taqleed).
DETERMINING THE FOUR SCHOOLS OF THOUGHT

The question then arises why choose an imam from only the four although there have been many mujtahids? There were: Sufyan Thawri, Awz’ai, Abdullah ibn Mubarak, Ishaq ibn Rahuyah, Imam Bukhari, Ibn Abu Layla, Ibn Shabramah, Hasan ibn Salih, and scores of others.

The reason is that their juristic teachings are not compiled together. If they had been arranged as the teachings of others are then surely their taqleed would have been allowed too. Neither we have their rulings in book form nor are there ulama representing them. Allamah Abdur Rauf Munadi cites Hafiz Zahabi as saying:

“It is wajib for us to believe that the four imams, Sufyan Thawri, Sufyan ibn Uuyaynah, Awza’i, Dawood Zahiri, Ishaq ibn Rahuyah, and all imams were guided…… and one who is not a mujtahid is not bound to follow a specified mazhab…… but, according to the imam of the Harmayn, taqleed of the Sahabah, tabi’een and these people is not proper, for their teachings are not compiled. Hence, taqleed of none but the four imams is proper because their mazhabs are compiled and well circulated, and they have devoloped a terminology. In contrast, the other mazhabs have varnished. Imam Razi has said that the scholars agree that the masses should be stopped from making taqleed of the well-known Sahabah and other religious leaders.” (Fayd ul Qadeer v1 p210)

Allamah Nawawi has explained it thus:
“Although the Sahabah and the elders of the first generation were superior to later day jurists and mujtahids, yet they did not get an opportunity to compile and arrange their knowledge and its principles and branches. So, it is not proper to make taqleed of them because none of their teachings can be pinpointed for sure. Compilation began later on by the imams who had benefitted from the mazhab of the Sahabah and tabi’een. They compiled their commands and explained their own basic principles and branches, like Imam Maalik and Imam Abu Hanifah.”

(Al-Majmoo’ v1 p91)

There are many other ulama who have explained this subject, but we will let it suffice with two quotations of Ibn Taymiyah and Shah Waliullah both of whom are recognized by even those who do not subscribe to taqleed.

Allamah Ibn Taymiyah writes:
“From the point of view of the Book and sunnah, there is no difference among the mujtahid imams. So, Imam Maalik, Layth ibn Sa’d, Imam Awza’ee, Sufyan Thawri were all imams of their times and the same command applies in each case for taqleed.

No Muslim argues that taqleed of any of them is disallowed. But if anyone has forbidden taqleed of anyone then he has done that for one of the two reasons:

(1) There are no more men surviving who might be fully aware of the mazhab of any of them. There is bound to be differences in taqleed of a dead imam. While those who allow taqleed of a dead imam permit it only if any of the living ulama possess knowledge of the dead imam’s mazhab. (Since none of them survives, it is not proper to make taqleed of those imams).

(2) There is a consensus against the teachings (of those whose mazhab is extinct) But, if any of their sayings is available which is according to the surviving mujtahid’s sayings, then their sayings would be seconded and thus strengthened.” (Al-Fatawh al-Kubra v2 p446)

The other scholar is Shah Waliullah. He has created a full chapter in his book Aqd al-Jeed for this subject, entitled:

باب تأكيد الاخذ بهذه المذاهب الأربعة والتشديد في تركها والخروج عنها

Chapter Third & Fourth. Concerning the emphasis on choosing the Four Mazhab and on Strict Prohibition of Leaving them and coming out of them.

"There is a great wisdom in choosing the four schools of thought and in turning away from all of them there is great mischief. We explain it through much reasoning…” (Aqd al-Jeed p31)

Here, he has mentioned the reasons in detail. We present them in brief.

1. In order to understand Shari’ah, it is imperative that we must rely on the predecessors. But that can be done if we have learnt of them with a correct chain of transmission or find them recorded in well-known books, and the latter day ulama must have written explanations on them, and determined the meaning applicable if their sayings are open to many meanings. Besides, sometimes, a mujtahid’s sayings may seem general but they refer to particular and specific conditions, so, it is necessary, that scholars of that school of thought have explained that. The causes of the commands, too, must be explained. So, till these things are done, the mujtahid’s sayings cannot be relied upon. In our times, these conditions are met only in the case of the four schools of thought, only the Imamiyah and the Zaydiyah are excepted, but they are innovators (Rawafid) and thus not relied upon.
2. The Prophet SAWS said:

اثبوا السواد الأعظم

“Follow the Sawad A’zam”

So, when the Sawad a’zam of all the mazhabs, except the four, are extinct, the following of the four mazhabs is the following of the Sawad a ‘zam. And to stay out of them is to oppose them.

3. If we permit reasoning on the sayings of a mujtahid outside these four mazhab the evil ulama will, in obedience to their base desires, issue edicts and ascribe them an ancient mujtahid. Therefore, there is no risk in following the mazhab of an imam whose sayings have been explained by a large number of ulama, otherwise there is risk (of an occasional mujtahid’s sayings being misinterpreted). (Aqd ul-Jeed p31-33)
DIFFERENT LEVELS OF TAQLEED

There are different levels of taqleed depending on different people making taqleed. The commands of each level are different and if the levels are not distinguished then many evils arise. The objections raised on taqleed by those who are not muqallid generally arise because the different levels are either not understood or ignored totally. So, we write on the levels in some detail.

وَاللهُ الْمُؤَفِّقِ للحقِّ والصَّوابِ

Taqleed of The Masses
This is the first level of taqleed. By masses, we mean:

(i) Those who are completely unaware of the Arabic language and the Islamic sciences though they may be well educated and adept in other sciences.

(ii) Those who though they know Arabic and can understand Arabic books, but have not acquired knowledge of tafseer, Hadith, fiqh and related religious matters from a teacher in a proper way.

(iii) Those who though they have accomplished Islamic sciences formally but have not gained proficiency in tafseer, Hadith, fiqh and their fundamentals, nor do they have insight in them.

These three kinds form the masses and are governed by a uniform command.

They have no option but to make an unquestioned taqleed. They have no qualification and ability to judge directly from sources, so they have to attach themselves to a mujtahid to learn the rulings of Shari’ah.

Allamah Khateeb Baghdadi writes:

“...Then he cites evidence from the Quran and Ahadith and writes:

48
“Also, because such a man is not capable of making ijtihad. So, he must make taqleed as a blind man makes taqleed of one with sight in verifying the qiblah, for he has no other means to find the direction on his own. It is, therefore, wajib on him to seek guidance from one with eye-sight.”

(Al-Fiqh wal-Mutaffaqih p68)

The muqallid of this level should not indulge in argument and evidences. He need only select a mujtahid and rely on him in every matter. In fact, even if he comes across a Hadith that seems to him to contradict his mujtahid imam, he must continue to obey him, telling himself that he has not understood the Hadith or that his imam would have a strong evidence for the difference.

This may seem strange, but the muqallid whom we are discussing has no option but to do this, for, if such a muqallid is allowed to forsake his imam when he comes across such a Hadith then there would be a terrible confusion and misguidance. To draw conclusion from the Qur’an and Hadith is a deep science which not everyone can master even if a whole life is devoted to it. The words of a Hadith may seem to mean something but read with the Qur’an and sunnah, an altogether different interpretation is forthcoming. It is my personal experience that many people have gone astray after conducting themselves on their own reading of the Ahadith without first acquiring a deep proficiency in the sciences of the Qur’an and Hadith.

A friend of mine who is a graduate is accustomed to reading books of Ahadith. He often said that he would give up anything from the teachings of Hanafi mazhab if he found a Hadith against that. Accordingly, he once taught another man that ablution is not made void on passing wind unless there is a bad odour with it or it emits a sound. I was there and I understood where he got his material from. Much as I tried to explain, he insisted that he had read a Hadith in Tirmizi. Finally, when I explained to him the Hadith in detail, he did repent that he had been observing that for a long time and had offered salah many times without repeating ablution.

He had seen this Hadith in Tirmizi:

عن أبي هريرة ﷺ ان رسول الله ﷺ صلى الله عليه وسلم قال لاوضوء من صوت او ريح

Sayyidina Abu Hurayrah reported that Allah’s Messenger said that ablution becomes wajib when there is a sound or bad smell.

He also read this Hadith in Tirmizi:

إذا كان أحدكم في المسجد فوجد ريحًا بين اليثيم فلا يخرج حتى يسمع صوتاً أو يجد ريحًا

49
If one of you is in a mosque and he feels air passing between his buttocks, he should not go out of the mosque (to perform ablution) till he has heard the sound or felt the bad smell (of the air). (Tirmizi v1 p24)

He understood from it that the nullifier of the ablution is a sound or bad odour. But, all the jurists are agreed that this Hadith does not mean that. Rather, the Prophet’s saying is for those people who are always in doubt who unnecessarily imagine that their ablution has become void. The meaning is that one must be so sure of it as indeed one is of the sound and bad smell, only when he is that sure the ablution is void. Thus, this meaning is very clear in another version:

If one of you is offering salah, and he feels sensation at his back which makes him doubt whether he has blown wind or not, then he must stay there till he hears the sound or smells the odour. (Abu Dawood v1 p24)

Besides, Sayyidina Abdullah ibn Zayd has made it clear that the Prophet had spoken these words to a man who was prone to doubts and suspicion, as transmitted in Abu Dawood.

Only one adept in the sciences of Hadith and who considers the different versions of the Hadith can arrive at a proper conclusion. If one looks only at a single hadith or its translation then one can risk being misled, as my friend had been.

If everyone were authorized to go against his imam on seeing a Hadith contradicting him then he might come across this Hadith:

“Sayyidina Ibn Abbas reported that Allah’s Messenger without there being fear or rain in Madinah, offered the Zuhr and Asr salah together and also the Maghrib and Isha salah together. Sayyidina Ibn Abbas was asked, “What did the Prophet mean by that?” He said, “His aim was that his ummah may not get tied up in difficulty.” (Tirmizi v1 p46)

Now, anyone might argue that it is correct on this basis to offer the Zuhr salah at the time of Asr and Maghrib at the time of Isha without a compelling reason. He might even argue that he would go against his imam’s mujtahid whose teachings are different from the Hadith. In fact, none of the scholars interprets this Hadith to allow bringing together two Salahs without a valid reason. In the light of the Qur’an and Ahadith, all scholars, to whichever of the four schools of thought they
belong, and even those of the Ahle-Hadith, see it as a case of combination only in sight. (The Zuhr was offered at the very last time of the salah and the Asr at its very onset so that they appeared to have been offered together).

There are many other examples of this kind where anyone without deep knowledge of the religious sciences can go astray. The ulama insist that if anyone has not pursued religious knowledge in a proper way then he should not study the Qur’an and Hadith without supervision of an expert teacher.

Besides, we have already stated earlier that a mujtahid is followed for the very reason that the apparent contradiction in the Qur’an and Hadith may be explained. If there is a seeming difference in the teachings of Imam Abu Hanifah and Imam Shafi’ee on a specific question then neither is that without evidence. Taqleed is done only because one who cannot reconcile the variations, attaches himself to the imam. There can be different interpretations on a question- by two imams, but the level of taqleed we are discussing now is for a person who is not competent to evaluate the intricacies of evidence and must submit to his imam unflinchingly.

It is just like a man who goes to a lawyer to satisfy his urge of legal interpretation, but he will not refer to books on the subjects of jurisprudence. His lawyer may tell him something about law but he subsequently finds a different thing in a law book, yet he will continue to trust the lawyer. It is not within everyone’s capabilities to extract results from law books. Much competence is required for that. So, in the case of the sciences of the Qur’an and Ahadith, the standard of competence and experience is much higher.

This is why the jurists insist that the masses should seek interpretation of the Qur’an and Hadith from the ulama. If a mufti happens to give a wrong fatwa then he will be a sinner, not the person seeking it, but if this person interprets a Hadith on his own and is wrong and acts on that then he is not excused, for he should have gone to the scholar.

For example, the fast of a person is not invalidated by cupping. If a Mufti tells a person who has cupped himself that his fast is invalid and the person eats and drinks on the assumption that he is not fasting anymore that day then the burden falls on the Mufti for his mistake. It is stated in Hidayah that the man will only have to redeem his fast, not have to make an expiation. The author of Hidayah explains it thus: لان الفتوى دليل شريعي في حقه (because the mufti’s ruling is an evidence of Shari’ah for that layman).

But, if a layman reads the Hadith that the Prophet passed by a man during Ramadan who was cupping his blood and he said:

افطر الحاجم والمحجر

“The fast of the one who cups and one who is being cupped is invalidated.”
He now goes by it and thinks that his fast is void because he had cupped himself and eats and drinks during the day then, according to Imam Yusuf it is wajib for him to make an expiation, because it was fard on him to seek a mufti’s guidance, and he did not discharge his fard. Imam Yusuf said:

لاَنَّ عَلَيُ الْعَادِمِ الْأَئْدَاءَ بِالْفَقهَاءِ،َ لَعَدُمُ الْاهْتِدَاءِ فِي حُقِّ الْإِحْدَاثِ

It is the duty of a common man that he follow the jurists, because he is not capable of arriving at a correct decision.

In short, the masses have to abide by the imam mujtahid in all circumstances. Even if they find a Hadith which contradicts what the imam says then they must convince themselves that they cannot fathom it and the imam has studied it from all angles. He may have other evidences too. The masses have no option other than this conduct of action, otherwise there would be utter confusion in commands of Shari’ah.

**Taqleed For The Erudite Scholar**

He is a scholar who though has not attained the degree of ijtihad, yet has learnt the Islamic sciences from expert teachers and imparts education and writes books under the supervision of leading ulama for a long period of time. He is proficient in tafseer, Hadith, fiqh and their fundamentals. He is capable of deriving benefit from the worthy predecesors in examining an issue and is well-conversed with their temperament and style and gets to the correct conclusion. Shah Waliullah described him thus:

فصل في المتبحر في المذهب وهو الحافظ لكتب مذهبته ...
من شرطه ان يكون صحيح الفهم عارفاً بالعربية واساليب الكلام
ومراة الترجيح معطشاً لمعاني كلامهم لابتخذي عليه غالباً تقديم
ما يكون مطلقاً في الظاهرة والمراد منه المقيّد وإطلاق ما يكون
مقيّداً في الظاهرة والمراد منه المطلق

“Mutabahhar fil mazhab (learned deeply in religion) is one who has committed the books of the school of thought (or his imam). He is sound of understanding. He knows Arabic and its nuances and recognizes the preferred levels (of the sayings of his imam). He knows well the meanings of the language of the jurists which are apparently absolute with some catch giving a concealed meaning.” (Aqd al-Jeed p51)

Though such a man continues to be a muqallid because he has not attained the degree of ijtihad, yet he can be a mufti of his mazhab. His taqleed is different from that of the masses in the following respects:
He is also aware of the evidences of the religion while the layman is aware of religion alone.

Being a mufti, he is competent to choose an opinion out of several from his mazhab to suit his times and usage or to explain his school of thought. Those issues that are not treated in the books, he is able to explain them in the light of the fundamentals and rules of his mazhab.

In certain peculiar cases he can adopt the opinion of a mujtahid other than his imam and issue rulings thereon. Conditions for these are enumerated in books of fundamentals of fiqh and of fatwa.

Shah Waliullah said about such a person if he finds a Hadith that contradicts his imam’s edict and there is no stronger evidence:

…is it then proper for him to act on the Hadith at the cost of his mazhab? There have been long discussions on this subject. We reproduce the words of Dastur us-Salikeen as cited by the another of Khazanatur Riwayat (to the end)

The Shah then mentions that a section of the ulama hold that he should not give up his imam’s mazhab because he has not attained the degree of ijtihad. The imam might have observed an evidence which escaped this man. However, a large number of the ulama hold that if he has tried to embrace all aspects of the question and its arguments then because of the authentic Hadith, he may ignore the imam’s opinion provided the following conditions are kept in mind:

(1) He is the erudite scholar possessing the attributes mentioned earlier.

(2) The Hadith on which he relies to ignore his imam’s opinion is authentic in the eyes of all the ulama because the mujtahids sometimes differ on the authenticity of a Hadith. Those who regard it as Saheeh, act on it but those who consider it to be weak, leave it alone. So if his mujtahid has omitted it then he may have found it weak and for a non-mujtahid it is not proper to act on it.

(3) There is no verse of the Qur’an or hadith with a contradictory meaning.

(4) The meaning of the Hadith is very clear and explicit. It may not have another meaning which is satisfactory. For, often a Hadith bears many interpretations. The mujtahid then selects one meaning with his ijtihad insight, so his mazhab cannot then be said to contradict the Hadith. In such cases a muqallid cannot correctly adopt another meaning because the essence of taqleed is to go by the meaning elected by the mujtahid when the Qur’an and sunnah offer more than one meaning. So in making taqleed of the mujtahid one is not said to contradict the Hadith.
It is also necessary that the opinion adopted because of the Hadith is not contradictory to the consensus of the four imams. To exit beyond the mazhabs of the four imams pose dangers which we have mentioned previously.

An erudite scholar may ignore his imam’s opinion if he meets these conditions. The explanations of the religious leaders are given below.

Allamah Nawawi said:

“Shaykh Abu Umar said that if a man of the Shafi’ee school finds a Hadith that is against his mazhab then it will be seen if this man meets the conditions of ijtihad, or he has the rank of ijtihad in this chapter or this affair. Then he may conduct himself according to the Hadith. But though he does not meet the conditions fully yet does not find a thorough answer to the Hadith and he finds it unbearable to oppose the Hadith then too he may act on the Hadith provided another regular imam, besides Imam Shafi’ee has acted on it. This thing will become an excuse for him to leave his imams mazhab in this case.”

Allamah Nawawi said that this opinion of Shaykh Umar (Ibn as-Salah) is excellent and must be observed. (al-Majmoo, Sharah al-Muhazab v1 p105)

Shah Waliullah also adopted this opinion. He said:

“In this issue, the preferred opinion is the third. It is what Allamah Ibn as-Salah has adopted, and Allamah Nawawi has supported it and called it excellent. (Here, he has reproduced the above text of Allamah Nawawi). (Aqd al-Jeed p57)

Further, the scholars have debated whether ijtihad can be limited or has to be complete, always. A man may not be a mujtahid on all Shari’ah matters but may specialise on certain issues. Some
scholars have rejected such specialisation, but many of them hold that ijtihad can be in a limited field. Allamah Tajuddin Sabki, for instance wrote:

[Ijtihad can be limited and some people may have ability to make ijtihad in some fields, like obligations. They acquire complete mastery over the subject.]

Allamah Banani writes in the marginal notes of Sharah Jami’ al-Jawami:

[Ijtihad is acquired sometimes in a limited manner and some such people who are below the rank of mujtahid al-fatya also acquire it.]

Allamah Abdul Aziz Bukhari writes in his Sharah to usul Fakhr al-Islam Bazdawi:

[Generally the ulama do not regard ijtihad as undivisible. A scholar may acquire ability of ijtihad in some departments, and not in others.]

Imam Ghazali wrote:

[Ijtihad is not a subject that cannot be divided and a scholar may have this ability in some fields and not in others.]

Allamah Taftazani wrote:
These conditions are for a complete mujtahid who is qualified to give fatwa on all issues. As for him who is mujtahid in some fields, he must have knowledge in those fields only….. (Al-Talweeh ma’l at-Tawdeeh v2 p118)

Mawlana Ameer Ali wrote as its marginal notes:

“He who is a mujtahid in specialised fields, it is necessary for him that he should be aware of the fundamentals of deduction of the imam he follows, for he will observe them in his deduction. Hence, a new ruling is called ijtihad fil hukm and a new evidence for a mujtahid’s ruling is takhreej.” (At-Tawsheeh ala at-Talweeh p604)

Allamah Ibn al-Humam also agreed that ijtihad can be divided or specialised. For such a mujtahid, taqleed is wajib in only these issues in which he practices ijtihad. His text is:

Exactly the same thing is written by Allamah Zayn ud-din Ibn Nujaym (Fath at-Ghifar bi Sharahal Manar v3 p37). However, Allamah Ibn Ameer al-Haj has ruled that the conditions of ijtihad are of whole nature and cannot be divided. So it is necessary to acquire them even for partial ijtihad. However, the ability to rule in every issue on the evidences can be divided. So, it is possible to have that in some issues, and not in others. (At-Taqreer wat Tahreer v3 p294)

Anyway, in the light of the foregoing, if an erudite scholar has attained limited ijtihad in a particular field then he can decide that the ruling of his imam is contrary to a certain authentic Hadith. He must conduct himself according to the Hadith. Mawlana Rashid Ahmad Gangohi has written (Sabeel ur-Rasheed p30-31) that it is essential for every Believer to give up the imam’s ruling if it is established to be against the Book and sunnah. But, how can the masses know that?
However, Mawlana Ashraf Ali Thanwi’s word is the most excellent and final on the subject. We reproduce his full text:

“If a broad minded, intelligent scholar learns through his own investigation, or a layman through such a scholar, provided he is God-fearing, that the preferable course in an affair is the other (weaker) one then he must see whether it is possible to act there through legal evidence. If so, then he must act on that to protect Muslims from differences. We have support for it in this Hadith.

Sayyidah Ayshah reported that Allah’s Messenger said, “You do not know that your people, the Quraysh, reduced the Ka’bah when they rebuilt it from the foundations of Ibrahim.” She asked, “O Messenger of Allah! Get it built on that foundation.” He said, “I would have done it, if the times of disbelief of the Quraysh had not been so recent. People will wonder that I dismantled the Ka’bah. So, I have not to interfere, here.”

Observe! Although it was preferable to have it built on the foundation of Sayyidina Ibrahim, but it was also proper in Shari’ah to leave it incomplete, though disinclined, the Prophet chose the disinclined course to avoid public unrest and mischief.

It is reported that Sayyidina lbn Mas’ood offered four raka’at fard (during a journey). Someone reminded him that he had objected to Sayyidina Uthman (for not offering the qasr) but he did the same thing. He said, “To do otherwise might have caused mischief.” So, though it is qasr that is offered in salah in journey yet he chose the other course to avoid mischief and it seems he regarded that to be allowed. In short, these Ahadith prove that if the disclined course is lawful, it is better to choose that (at such times).

However, if there is no support to act on the unpreferred course and giving it up is wajib — or doing it would be unlawful — and an authentic hadith supports the preferrable course then one must conduct oneself on the Hadith. Taqleed is not then lawful on this question in any way, for, the rçal religion is the Qur’an and Hadith, and taqleed only aims to allow smooth and safe conduct on Qur’an and hadith. When both do not concur, opt for Qur’an and Hadith. To stick to taqleed in these circumstances is the taqleed that Qur’an and Hadith have condemned, but, it is not allowed to criticise the mujtahid even in one’s heart. For, he may not have learnt of this Hadith, or he may have seen it with a weak sanad. Not having learnt of the Hadith, in no way diminishes his stature, for even the elder Sahabah did not sometimes know of some Ahadith for long and that in no way detracted their scholarly competence.

Similarly, the muqallid must not be criticised for continuing to follow a mujtahid of the belief that his opinion does not contradict the Hadith. He does not reject the Hadith and aims to abide by Shari’ah.

Again, it is not proper to blame the muqallid who ceased to make taqleed for the aforementioned reason. Their difference is handed down by the predecessors. It follows the principles laid down
by the ulama: “My mazhab, I imagine to be correct with a possibility of mistake; the other mazhab, I imagine to be wrong with a possibility of being right.” When all are right then why act on only one?

However, one who opposes in beliefs or condemns the predecessors is outside the folds of ahl us-Sunnah and jama’at. For, they are those who hold the belief held by the Sahabah while this conduct is against them and it includes one among the pursuers of bid’ah (innovation) exaggerates taqleed and questions the Qur’an and Hadith is like that. Both these kinds must be avoided as far as possible. Also shun debates.” (Al-Iqtisad fit-Taqleed wal-Ijtihad p42-45)

The Mawlana has shown a moderate course which, if acted upon, should end many mutual confrontations of the Muslims.

As we have seen, an erudite scholar may give up an opinion of his imam on the basis of an authentic Hadith under certain circumstances. But, even this partial difference retains him as his muqallid on an overall basis. Hence, many Hanafi jurists have discarded Imam Abu Hanifah’s opinions and adopted those of other imams. For instance, Imam Abu Hanifah holds that consuming intoxicants in small quantities that do not cause intoxication, but are stimulating, are allowed. But, jurists of his school of thought have differed from him and adopted the majority opinion. Similarly, they differ with him on the question of crop-sharing between landlord and cultivator.

These are examples where all the jurists did not see eye-to-eye with him. There are many examples of individuals differing with him because of a Hadith.

Nevertheless, this issue is very delicate and must be treated with caution. Not everyone is allowed to assume this role. The conditions mentioned must be adhered to strictly.

**Taqleed For The Mujtahid in His Mazhab**

He is a mujtahid who abides by the method of deduction of the absolute mujtahid, and is also qualified to deduce specified issues under that method directly from the Qur’an and sunnah and aاثار. Thus, many such mujtahids do differ from their absolute muftahid on many branch commands or their details, but continue to be their muqallid. Examples are: Abu Yusuf, and Imam Muhammad in the Hanafi school, Imam Muzani and Abu Thawr, among the Shafi’ees, Suhun and Ibn al-Qasim among the Maalikis, and Ibrahim al-Harabi and Abu Bakr al-Athram among the Hanbalis.

Allamah Ibn Aabideen Shami wrote:
“This is the next degree of the jurists — mujtahid in mazhab, for example, Imam Abu Yusuf, Imam Muhammad and other students of Imam Abu Hanifah. They are capable of deduction of commands on the basis of the evidences (from the Qur’an, sunnah etc.) according to rules prescribed by their teachers. They may have differed from their imam in many details, but they continued to be his muqallid in fundamentals.” (Sharah Uqood Rasm al-Mufti p4)

Thus the mujtahid in mazhab is a muqallid on fundamental issues but a mujtahid on branch issues and details.

**Taqleed For the Absolute Mujtahid**

He is one who has all the qualifications for ijtihad and he is able to determine principles of deduction from the Qur’an and sunnah and can deduce injunctions from the Qur’an on the basis of these principles. They are the Imams Abu Hanifah, Shafi’ee, Maalik, Ahmad and others. They are mujtahids in issues of fundamental and branch natures, but they too have to make a kind of taqleed. If the questions are not explained in the Qur’an and authentic Ahadith, they try to locate sayings or deeds of any of the Sahabah and Tabi’een instead of depending on their own verdicts and deduction. If they get a saying or deed then they make taqleed of it. Here are some examples from the first generation.

The base of this procedure the letter of Sayyidina Umar to Qadi Shurayh. Imam Sha’bi said:
“Sayyidina Umar ibn al-Khattab wrote to Shurayh: If you get a problem that has an answer in the Book of Allah, judge according to it, do not let personal opinion of anyone cause you to drift. If it is not in Allah’s Book, look for it in the sunnah of His Messenger and judge accordingly. If it is not there, too, then search for an example on which the earlier people were united, and act accordingly. But, if you do not find an answer in any of them then choose one of two things you like: Make your ijtihad and take steps accordingly, but if you wish to retreat from such cases then retreat. And I consider it better for you to retreat.” (Darami v1 p55)

Shurayh was an absolute mujtahid, yet Sayyidina Umar gave him advice to practice ijtihad as a last resort. We have seen a similar saying of Sayyidina Ibn Mas’ood in examples of absolute taqleed.

Abdullah ibn Abu Yazeed said:

وجاء به قام ابن عباس إذا سأله عن الأمر فكان في القرآن أخبره، وإن لم يكن في القرآن، وكان عن رسول الله صلى الله عليه وسلم أخبر به فكان لم يكن عن أبي بكر وعمر فان لم يكن قال فيه برائيه

“Whenever Sayyidina Ibn Abbas was asked about something and there was an answer in the Qur’an, he gave that answer. If it was not there then he gave an answer according to the Hadith, but if it was not there and something was known from Sayyidina Abu Bakr or Sayyidina Umar, then he gave an answer accordingly. If it was not there then he made ijtihad and gave his opinion.” (Darami)

Though he himself was a mujtahid, Sayyidina Ibn Abbas first tried to make taqleed of Sayyidina Abu Bakr and Umar, before attempting his own ijtihad.

Here is another Hadith:

عن الشعبي قال جاءة رجل فسأله عن شيء فقال: كان ابن مسعود يقول فيه كذا وكذا قال: اخبرني انت برأيك، فقال: الا تعجبون من هذا؟ اخبرته عن ابن مسعود وسألاني عن رأيي، ودبى عندي أثر من ذلك، والله لان أتغني أغنية أحب إلي من أن اخبرك برائي.

“Someone came to Imam Shabi and asked a question and he quoted Sayyidina Abdullah ibn Mas’ood’s saying about it. But the man requested him to give his own opinion, Imam Sha’bi exclaimed to the people, “Are you not surprised at him? I give him the ruling of Abdullah ibn Mas’ood and he asks me for mine. My religion is more preferrable to me (than his wish). By
Allah! It is better for me to roam about singing than giving my personal opinion (against ibn Mas’ood’s).” (Darami v1 p45)

Imam Sha’bi was an absolute mujtahid (and a teacher of Imam Abu Hanifah) but he preferred taqlid of Sayyidina Abdullah ibn Mas’ood to his own ijtihad.

Imam Bukhari has transmitted, in a suspended chain, Mujahid’s saying about the verse:

وجعلنا لِلمتَّقين آمَاناً

“And make us leaders for the God-fearing.” (25:74)

اَئمَةٍ نَفَقَدَى بَنِي قَبِيلَتِنَا وَيَقُنُّونَا بَنِي بَعْضٍ

“(Make us) a community that follows the righteous people who preceded us, and whom those succeeding may follow.”

Ibn Hajr said that this is Mujahid’s saying which Ibn Jarir and Faryabi and others have reported with a correct chain of transmission. He then reproduced many other aathar (companion’s ahadith) on the exegesis on this verse and finally quoted Suddi on the authority of Ibn Abu Hatim:

ليس المراد ان نْؤِم الناس وانما ارادوا اجعلنا ائمة لهم في

الحلال والحرام يقدون بنا فيه

“It does not mean that we should lead the people, but that: O Allah! Make us their imam in the matter of the lawful and the unlawful that they may follow us (make our iqtida).”

While Ibn Abu Hatim cited these words of Ja’far ibn Muhammad.

معناه اجعلني رجا فذا قلت صدقاني وقيلوا مَنِ

“Its meaning is: Grant me acceptance of the people so that when I say something, they confirm it and approve what I say.” (Fath al-Bari v13 p210-211)

Anyway, these aathar came up in our discussion, by the way, our real purpose is that Sayyidina Mujahid was a mujtahid. But, he too preferred to follow his predecessors which is an example of following an absolute mujtahid. And he liked that his successors should follow his lead which is the example of the general body of ulama and laymen.
Doubts & Objections on Taqleed

If our submissions in the preceding pages are borne in mind then most of the objections on taqleed are answered thereby. However, we feel that we must answer particularly those few doubts that rise uninvited in hearts, or the opponents of taqleed keep repeating.

Taqleed of Forefathers in The Qur’an

1. The first objection is that the Qur’an has condemned taqleed:

   وَأَيْنَ كَانَ أَبَاؤُهُمْ لَا يُقَلِّدُونَ مَنَّا وَلَا يَقِلَّدُونَ

   Anda kah Allah telah menghukum bahwa mereka mengikuti ayah-ayah mereka, namun Allah telah menghukum bahwa tidak boleh mereka mengikuti sesuatu yang ada di padang yang mereka perjalankan. (2:170)

   “And when it is said to them, “follow that which Allah has revealed”, they say, “Nay, we follow that (way whereon we found our fathers.” What! Even though their fathers understood not anything, nor were they rightly guided.” (2:170)

If what we have said already is pondered over impartially, this doubt is removed automatically. The following of the imams and mujtahids is not condemned in this verse. It mentions the basic beliefs and that the polytheists, instead of believing and accepting the truth about tawheed, messengership, and Hereafter, used to forward the plea that they had seen their forefathers on the path they walk on, as though their taqleed was among the basic beliefs of religion. Now, we do not hold taqleed to be lawful as a basic belief of religion. It is stated in all books of principles of fiqh that taqleed is not part of belief and basic essentials of religion, for, these things are neither bound to ijtihad nor taqleed. Allamah Ameer Badshah Bukhari writes in Sharah of Tahreer al-Usul:

   فيما يحل الاستفتاء فيه (العقلية لا العقلية) المتعلقة بالاعتقاد فان المطلوب فيها العلم (على) المذهب (الصحيح)
   فلا يجوز التقليد فيها بل يجب تحصيلها بالنظر الصحيح)

   “The issues on which it is allowed to seek legal opinion are conjectural commands, not intellectual injunctions concerning beliefs. Absolute knowledge is required there. Accordingly, taqleed is not lawful in basic beliefs. Rather, they are to be adopted through correct reasoning, like existence of Allah.” (Tayyasir at-Tahreer v4 p243)
Therefore, the taqleed that the verse condemns is also declared unlawful by the muqallids of the imams and mujtahids. Thus, Allamah Khateeb Baghdadi has cited this verse in Usul Aqaid while terming taqleed as unlawful. (al-Fiqh wal-Muttafiqah v2 p66)

Besides, Allah has condemned taqleed of forefathers for two reasons, (i) They reject Allah’s commands and declare that they would not believe in them. And they declare clearly that instead they would believe in what their forefathers believed. (ii) Their ancestors were devoid of understanding and guidance.

However, the taqleed that we talk of is not concerned with both these reasons. None of those who make this taqleed rejects the commands of Allah and His Messenger in order to believe a mentor of his. Rather, he regards his imam and mujtahid as an exponent of Qur’an and sunnah and acts on the Qur’an and sunnah in the light of his explanation. The second reason is also lacking here because no matter how much one may differ with the imams and mujtahids on opinions, everyone confirms their high level of intelligence. So, this taqleed cannot be co-related with the taqleed of the disbelievers.

**Taqleed of Ahbar & Ruhban**

2. Some people cite the following verse to renounce taqleed of imams and mujtahids:

> إن تَحْنُوَّا أَحْياَرَهُم وَرُهْبَانَهُم أَرْبَابًا مَّنْ ذُوِّ الْغَرْبِ

“They have taken their rabbis and their monks as their Lords besides Allah.” (9:31)

However, we have made it clear in the previous pages that taqleed of a mujtahid, or obedience to him, is not as a maker of laws. Rather, he is an exponent of law. He is not bound to be followed. Rather, his explanations are believed and the Qur’an and sunnah are followed.

Mawlana Muhammad Isma’il Salfi commented on my article. He said:

“This is exactly what the Barelvis say, ‘We do not regard the grave-dwellers and the Khanqahs as Gods by themselves, but as His deputies or metaphors.’ Then the route to polytheism is opened through etiquette, respect, wasilah (intermediaries) intercession, etc.” (Tahreek Azadi Fikr p128)

Now, if the Believers have misused those terms, it does not follow that everyone will misuse them. Allamah Ibn Taymiyah is not regarded by anyone to be anywhere near the Barelvi cult, but what does he say:
“Obedience to Allah and His Messenger is wajib for man. And the people in authority (the ulama or the rulers obedience) to whom Allah has commanded, their obedience follows obedience to Allah and His Messenger and is (subsequently) wajib — not as a separate entity by themselves.”

(Fatawa Ibn Taymiyah v2 p461)

Ibn Taymiyah has himself differentiated between the terms. Can we say that it is the same phrase as the Barelvis use? The Allamah says elsewhere:

“Obedience to Allah and His Messenger is wajib for man. And the people in authority (the ulama or the rulers obedience) to whom Allah has commanded, their obedience follows obedience to Allah and His Messenger and is (subsequently) wajib — not as a separate entity by themselves.”

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Ibn Taymiyah has himself differentiated between the terms. Can we say that it is the same phrase as the Barelvis use? The Allamah says elsewhere:

“It is wajib on the jinn and mankind in every condition, secretly and openly, that they obey only Allah and His Messenger. They should declare as lawful what Allah and His Messenger have made lawful. And what Allah and His Messenger have made unlawful, they should declare as unlawful. And that which Allah and His Messenger have declared wajib, they should regard as wajib. However, since there are many commands of Allah and His Messenger which many people do not understand, so they turn to such scholars who can teach them the commands of Allah and His Messenger because they know better the sayings of the Prophet and their true meanings. Hence, the imams whom the Muslims follow are actually a wasilah (means) path and guide between the people and Allah’s Messenger . They convey to the Muslims the sayings of Allah’s Messenger , and according to their ijtihad and abilities, explain the Prophet’s meanings. And sometimes Allah blesses a scholar with such knowledge and understanding which others do not possess.”

What more do the muqallids say? The reality of taqleed mentioned by us earlier is not a wee bit more than this.

Actually, the terminology is wrong when they are used in a narrow sense. For, otherwise all commands have been passed down through an intermediary. The muqallid never believe nor practice that the imams and mujtahids are liable to be obeyed biz-zaat (in person). We have stated previously that the muqallid:
do not regard taqleed as base of religious belief,

There is no taqleed in commands of Shari’ah that are established by continuous handing down.

There is no need to make taqleed of clearly evidenced text of the Qur’an and sunnah and there is no contradictory report.

Taqleed is made only when different interpretations are possible from the Qur’an and sunnah, so to arrive at a correct conclusion, one may not rely on one’s own reasoning but on a mujtahid’s.

The mujtahids are not innocent and free of sins. Rather, they are liable to err every time they make ijtihad.

An erudite scholar may ignore his mujtahid’s opinion and abide by a Hadith which is authentic and which rejects the mujtahid and there is no other Hadith or report with a contradictory message.

If this procedure is also polytheism and it can be described as raising the ulama to the level of God then perhaps no worldly action can escape this accusation.

Those people who are against taqleed, practice taqleed in one way or the other in actuality. Every new born of these people is not a mujtahid nor a scholar. Even the scholar does not have competence over every issue of the Book and sunnah nor does he get the time for it. So those among them who are not scholars, do ask guidance from scholars and follow them — make taqleed of them. They have published collections of their edicts which do not have evidences for their conclusions, and, if they are anywhere, a layman cannot determine how far they are authentic, so, he has to rely on their knowledge and understanding and then conduct himself accordingly. This itself is taqleed.

As for the scholars of the exgesis of the Qur’an, and the Hadith, can they say honestly that they can extract conclusions and answers for every new problem from the Qur’an and sunnah? Honestly, the answer would be ‘no’! They too turn to the works of predecessor ulama, not, of course the books of the Hanafi, Shafi’ee etc. but of Ibn Taymiyah, Ibn Hazm, Ibn al-Qayyim, Shawkani, and they adopt their findings because they have no time to compare them with their own.

They again, if they do have the time to make a comparison, they have no means to evaluate the Ahadith whether it is authentic, weak, etc. except to rely on the earlier scholars in taqleed. Sometimes, they reject a Hadith as weak on the basis of earlier findings for none of which is there ever an evidence with them. Reliance has to be placed on the scholars of this science. Sometimes of two Ahadith which disagree with one another they reject one again because the specialist scholars have rejected it. This entire way of conduct is nothing but taqleed. Now, if we ask them if the verse of surah at-Tawbah (9:31) quoted above applies to them then they would
say surely that they are not following the imams as ‘liable to be obeyed’ but as experts in the science.

In fact, no aspect of life is without taqleed of experts of the sciences. If we were to disallow this without restriction then nothing of the religion and world will ever be done.

**Hadith of Sayyidina Adi ibn Hatim**

(3) Frequently the following Hadith is presented to denounce taqleed:

>عن عدِّي بن حاتم قال اتبت النبي صلى الله عليه وسلم، وفي عنقى صليب من ذهب فقال جددي، اطرح عنك هذا الصليب. وسمعته يقرأ في سورة براءة: إِنَّهُمْ أَخْبَرُواُ أُحَدَّثَنَّهُمُ الْذُّنُونِ وَرَجَّهُنَّهُمُ الأَرْبَيْنَاءَ مِنْ ذُنُونِهِمُ، اللَّهَ قَالَ إِنَّكُمْ لَمْ تَعْلَمُوا الْعَرْجَاءَ وَلَكِنَّكُمْ كَانَواَ إِذَا أَحْلَوَاْ لَهُمْ شَيْئًا أَسْتَحْلَوْاْ وَإِذَا حَرَّمَوْاْ عَلَيْهِمْ شَيْئًا حَرَّمَوهُ (رواى الترمذي)"

“Sayyidina Adi ibn Hatim said that he went to the Prophet SAWS while he had a golden cross round his neck. He said, “Adi! Throw away this idol,” And Adi heard him recite the verse of surah al-Bara’ah (at-Tawbah) 9:31) He then said (in explanation of the verse), “These people never worshipped their rabbis and monks but when their monks and rabbis made something lawful for them, they took it as that and when the monks and rabbis made it unlawful they took it as that.” (Tirmizi)

However, even this Hadith does not in any way apply to the taqleed of the ulama and mujtahids. The differences are discussed by us under the first objection. We may add here that the People of the Book did not in fact regard their Popes as exponents of law but as givers of law and as innocent of all in and authorised to legislate. The Encyclopaedia Britannica writes about the authority of the Pope:

>“Since the Pope holds the highest authority in beliefs and doctrines, his authority is unquestionable. He is in fallible. This authority is then vested in the entire church through him. As a legislator and judge, he enjoys all authority vested in the council of priests.” (paraphrased from Urdu text v18 p222-223)

The pope’s innocence is explained again:

>“The innocence of the Pope preached by the Roman Catholic Church means that he cannot err when he proclaims a law on beliefs or manners.” (As above v12 p318)

How then can we compare the authority vested in the Popes with the taqleed of the Imams and Mujtahids? The Britannica goes on to state:
The Pope is an authority by himself, while we have clarified already that a mujtahid’s word is not final in Shāri’ah. This is part of the definition of taqleed.

The Pope has authority to legislate, but the mujtahid cannot and taqleed is not observed on that. Christianity regards the Pope as a legislator, but no muqallid gives the same rank to a mujtahid. He is only an interpreter who explains.

Christians regard the Pope to be infallible and innocent, but the imams and mujtahids are as liable to err in ijtihad as any.

The Pope has full legal authority over all Christians who cannot demur, but the muqallids have choice to ignore opinions of the imams and mujtahids in some cases as we have seen earlier.

There is a wide differences between the two. How can the imams and mujtahids be included in the captioned Hadith. Of course, if anyone transgresses and goes to the limits of the Christians then he will come within the purview of this Hadith for having the same beliefs about imams and mujtahids as Christians have for their Popes.

**A Saying of Sayyidina Ibn Mas’ood**

Sayyidina Abdullah Ibn Mas’ood’s saying is also cited often against taqleed:

لا يقلّدن رجل رجلاً دينه ان أمن أمن وان كفر كفر

“Let no one follow another in his religion in such a way that if he believes, he too believes, and if he disbelieves, he too disbelieves.”

Obviously, no one permits taqleed of this kind. His words are very clear that he does not tolerate taqleed in belief, and we have also repeated that often. But, as for taqleed of the predecessors to learn injunctions of religion, Sayyidina Ibn Mas’ood has said:

من كان مستنّاً فليسنت بمن قد مات، فإن الحي لا تؤمن عليه
الفائقة أولئك أصحاب محمد صلى الله عليه وسلم كانوا أفضل
هذه الأمة... فاعرف فئهم فضلهم واتبعهم على رثلهم تسّكروا بما
استطعتم من الأخلاق وسيرهم فانهم كانوا على الهدى المستقيم

“If anyone has to follow anyone, let him follow those who are dead, because we are not confident of the living that they will never succumb to mischief. They (worthy of being followed) are the Sahabah who are the most excellent people of this ummah So, you must recognize their esteem and follow their aathar and adopt their manners and habits as much as you can, because they were on the right path.” (Mishkat al-Masabeeh p32)
Sayings of The Mujtahid Imams

(5) Some people say that the mujtahid imams have themselves said that their sayings should not be followed until the evidence is known. “If our opinion is against Hadith, throw it off and follow the Hadith.”

However, honestly, these words are directed to those who are capable of making an independent judgment, not those who cannot make ijtihad. Shah Waliullah said about such sayings:

“...These words apply to him who has ability to make ijtihad of some kind and he knows that which the Prophet allowed and what he disallowed, and also that this saying is not abrogated. Either he has examined all Ahadith and words of both who disagree and who agree and concluded that there is no evidence of its abrogation or he has observed a large number of learned ulama conducting themselves on it. And he is assured that the imam who disagrees with the Hadith, has no evidence except verdicts and deductions. In such cases, disagreement with the Prophet’s Hadith is either because of concealed hypocrisy or open foolishness, nothing else.”

(Hujjatullah al-Balighah v1 p155)

This is very obvious. The imams were asked, all through their lives, and they gave answers without giving reasons. If this was not allowed, in their sight then they would not have done that. Besides, we have many of their sayings whereby they held taqleed necessary for the one who is not a mujtahid. For example:

(i) It is stated in Kifayah Sharah Hidayah:

“And if the mufti has this quality (that is, mujtahid) then the layman must follow him even if the mufti might err. No one else is reliable. This saying is reported by Imarn Hasan from Imam Abu...
Hanifah, Ibn Rustum from Imam Muhammad and Bashir ibn al-Waleed from Imam Abu Yusuf.”
(Khayr at-Tafiyyad)

(ii) We have seen this saying of Imam Yusuf already:

على العامي الاقتداء بالفقهاء لعدم الاهتداء في حقه الي معرفة
الاحاديث.  

(Hidaya v2 p226)

(iii) Allamah Taymiyah wrote about Imam Ahmad ibn Hanbal:

“Imam Ahmad instructed the common people to learn the, rulings from Imam Ishaq, Abu Ubayd, Abu Thawr and Abu Mus’ab. And, he disallowed those of his companions who were scholars from making taqleed of anyone. They were Imam Abu Dawood, Uthman ibn Sa’eed, Ibrahim al-Harabi, Abu Bakr al-Athram, Abu Zar’ah, Abu Hatim Sajistani and Imam Muslim. And he instructed them that it was wajib for them to turn to the Book and sunnah.” (Fatawa Ibn Taymiyah v2 p240)

It is very clear from this text of Ibn Taymiyah that the mujtahids who disallowed taqleed had actually disallowed those of their students who were by themselves great scholars of Hadith and expert jurists and were fully qualified to make ijtihad. As for those who were not mujtahid, not only did they not disallow them but instructed them to follow the mujtahids named. In fact, only the’mu’tazallah opposed taqleed even by those who were not mujtahids. Allamah Sayfuddin Aamdi said:

“it is wajib for the common people and those who have studied some reliable sciences on ijtihad but have not qualified to make ijtihad to follow the sayings of the mujtahids and act on their rulings but some Mu’tazalah of Baghdad disallow.” (Ahkam ul-Ahkam v4 p195)
After stating that the non-mujtahid masses are bound to make taqleed, Allamah Khateeb Baghdadi writes:

“It is ascribed to some Mu’tazallah that even a layman cannot observe the sayings of a scholar until he knows the reasoning behind the instructions but this idea is very wrong. For, the layman has no way to know the reasoning unless he acquires knowledge of fiqh for years together, keeps company of the jurists for long times, studies the methods of qiyas. All people cannot undertake this task.” (Al-Faqih wal-Mutaffaq v2 p69)

The area where the mujtahids differ is whether one who is qualified to make ijtihad may make taqleed. Khateeb Baghdadi has cited Suf’an Thawri that even such a man may make taqleed, while Imam Ahmad has said that he may make taqleed of one more learned than him. (Al-Faqih wal Mutaffaq v2 p69)

Ibn Taymiyah has cited Imam Muhammad that a mujtahid is allowed to make taqleed while Imam Shafa’ee and Imam Ahmad say that he is not allowed at all. (Fatawa Ibn Taymiyah v2 p240)

Mawlana Abdul Hayyi Lakhnawi has cited Imam Abu Hanifah in the account of Imam Halwani:

“For a mujtahid, taqleed of a scholar greater than him is allowed.” (At Ta’leeqat us-Sunnah)

The books on principle of fiqh generally treat the subject, exhaustively. Though the mujtahid imams differed on whether a mujtahid may make taqleed, yet, except for some mu’tazallah, they all agree that one who is not a mujtahid must necessarily make taqleed.

**How may a Layman Recognise the Mujtahid**

(6) We have stated in the beginning that taqleed, whichever of the two kinds you consider, is nothing more than to ask one who is in adept in the science of Qur’an and sunnah and whose understanding, insight and juristic knowledge is reliable, that one who is incapable may know.
Some people wonder how an ignorant seeker will distinguish an adept imam? (Tahreek Azadi Fikr p13)

Let us suffice by reproducing Imam Ghazali’s text on the subject.

“Anyone may argue that the layman judges on doubts and can be deceived into raising the inferior over the superior and if he is able to decide then why can he not judge the actual issue? Deep reasoning is required to recognise the ranks of knowledge and excellence which a layman does not possess. Let us answer this with an example. The son of someone, who is not a physician, is ill. If he treats the child himself then certainly he is cruel, careless and responsible for his conduct. But, if he approaches a physician then he is no longer to blame. But, if there are two physicians in his locality and he opts for the lesser recognised then he is to blame. A common man can know of the ability of physicians from the recognition accorded to him by the-masses and he is the talk of the town. The lesser known physicians generally respect the senior among them and there are other signs too.

The same thing works with the ulama. The senior is more well-known. Thus if a layman finds a scholar of this kind then it is not proper for him to oppose him to satisfy his personal whims. This is a correct approach and more reasonable to keep Allah’s creation in check and to guide them to taqwa and to abide by Shari’ah.” (Al-Mustafa v2 p126)
Is Taqleed a Defect?

(7) We have established in the beginning of the book that even the Sahabah observed taqleed. Those of them who could not make ijtihad turned to the more learned among them. Some people alleged that taqleed was a defect created by poor knowledge, so to say that the Sahabah practiced taqleed is to find fault with them (we seek refuge in Allah from such thought). “They were all learned and there was no difference among them of jurist and non-jurist.”

However, this downpour is emotional. If anyone is not a jurist or mujtahid then that is not a defect. The Qur’an says:

إن أنَّ أكْرِمَكُمْ عَنْدَ اللَّهِ الَّذِائِقُا كُمْ

“Surely the noblest among you in the sight of Allah is the most pious of you.” (49:13)

It did not use the word الفقهكم (more learned of you), orتعليمكم (more able to understand). Thus if a person measures correctly on the scale of taqwa (righteousness) then he has not a little bit of defect from the religious point of view though he may possess nothing of fiqh and ijtihad.

All the Sahabah without exception, had attained the real excellence in religion that taqwa is. This is why they are known as خير الخلق بعد الأنبياء (the best of creatures after the Prophets). However, to say that all of them were equal in knowledge is to contradict the Qur’an and Hadith.

فَلَوْلا نَفَرَ مِن كُلٍّ فَرْقَةٍ مِنْهُمْ طَالِفًا لِيَتَفَقَّهُوا فِي الْدِّينَ وَلِيَنْتِفَؤُوا

(العُقُود: 123)

“Why, then, should not of every section of them, a party only go forth, that they may become learned in (the knowledge of) religion, and that they may warn their people when they return to them, that they may be aware?” (33:122)

The verse instructs the Sahabah that a section of them must engage in jihad while another in learning. This verse is evidence that some of them engaged in jihad instead of acquiring knowledge, at Allah’s command. Thus Allah Himself created difference in the Sahabah in the field of knowledge and to consider it a defect is something from which we must seek Allah’s refuge.

We have also explained in the earlier pages the verse of surah an-Nisa:

لَعَلَّيْنَ أَلْدَيْنَ يَعْتَبَرْنَهُمْ بِذَاتِ الْبَلَدَانِ

“then those among them who can search the truth about it would have known… “(6:83)
Thus, the Qur'an has called some of them, ‘qualified to deduce.’ It commanded some others to refer to those ‘qualified to deduce.’ So, this difference is known from the Qur’an

Further, this is the well-known saying of the Prophet:

"May Allah brighten the man who hears my saying, memorises it, retains it and passes it on to others. For, there are some who though they bear knowledge, are not learned, and some who bear it but convey it to one more learned than they." (Ahmed, Tirmizi, Abu Dawood)

The Sahabah are addressed in this saying. Two things are clear from it: A narrator of Hadith can be one who is not learned, and, that is not a defect because the Prophet has prayed that Allah may brighten him!

So, different kinds of people benefitted from the companionship of the Prophet SAWS. They included people like Sayyidina Abu Bakr and Umar, and like Sayyidina Aqra’ ibn Habis and Salamah ibn Sakhrah, the pious and simple villagers. As far as these simple, village-dweller Sahabis are concerned, they had the honour of the Prophet’s company, and also were righteous and pure and excellent. Thousands of learned people after them — even the greatest of mujtahids — cannot even touch their high station. But, it is to deny obvious facts, if we try to place them in the same row as Sayyidina Abu Bakr, Umar, Ali, Ibn Mas’ood and other jurists among the Sahabah. This is why of the a hundred and twenty four thousand Sahabah, according to Ibn Qayyim, rulings of only a little over a hundred and thirty are preserved. (I’lam ul Muqi’een v1 p9)

And, of course, it is very far-fetched to say that it was against their standing to make taqleed of anyone. They were the people who never hesitated to derive benefit from anyone in matters of religion. We have already cited examples of Sahabah making taqleed of one another. They were so unselfish and God-fearing that some of them did not even feel shy of making taqleed of the tabi’een and asking them questions on religious matters. Alqamah ibn Qays Nakh’ee was a student of Sayyidina Ibn Mas’ood. He was a tabi’ee, but many Sahabah approached him for knowledge. (Tuzkarat ul-Huffaz, Zahabi)

Hence, it is not a correct approach to reject the examples of taqleed by the Sahabah on the impression that it is a blot on their name.

**Taqleed of Individual & Base Desires**

(8) We have seen earlier that both kinds of taqleed are lawful, but as standards of sincerity lowered, the door to base desires opened up in taqleed of the absolute nature. The ulama so ruled that only taqleed of an individual must be practiced, henceforth.
Some people raised strange objections to that.

“Most of the people in Pakistan are Hanafis…. the management of clubs of enjoyment are in the hands of the Hanafis. If taqleed of an individual is cure for base desires then why is this tool of base desires found everywhere?” (Tahreek Azadi Fikr p146)

My humble submission is that if a man has resolved to disobey and knowingly commits sin then the cure for his base desires lies neither in taqleed nor in giving up taqleed. We do not discuss this kind of base desires here, but we are concerned here with the very serious base desires to legalise the unlawful things like interest, wine, gambling, forsaking the veil. They try to give these things a Shari’ah cover and the whole world of Islam is engulfed in it. The names of ijtihad and freedom of thought are heard on every tongue. They try to prove their point by references to the Qur’an and Hadith. All of them have declared taqleed of individual as unlawful, for it is this taqleed that has shut the door to ijtihad of this kind. They have gained great support from the propaganda that taqleed of the imams is haram. Everyone is appropriating the right to practice ijtihad and commits a grave wrong on the Qur’an and sunnah.

**Taqleed & New Issues**

(9) Another objection to Taqleed of an individual is that it impedes progress and presents no solution to new problems.

We have pointed out earlier that the taqleed of an erudite scholar is not the same as that of the layman. Taqleed of the individual allows for ijtihad in issues. If no answer is found in a mujtahid’s rulings, then his principles should be used to deduce conclusion from the Qur’an and sunnah. This ijtihad can be done in spite of taqleed of an individual. So, there is no impediment, at all.

Besides, the ulama can contemplate over the changing issues resulting from changing times and usages. They can also issue rulings based on principles of other mujtahids on conditions laid down in relative books. Thus, the Hanafi ulama have given rulings of this kind on many present days issues, like salary for teaching the Qur’an, the dissolution of marriage of a missing man’s wife, and so on. Mawlana Ashraf Ali Thanawi has elaborated it in Al-Hilyat ul Najizah lil Hilyat ul Aajizah.

The ulama can find solutions to modern day problems from the four schools of thought. However, they should not borrow parts of principles but observe the whole lot of them with their conditions. The ulama of that school of thought must be consulted as was done when al-Hilyat un-Najizah was being compiled. The ulama should have mutual consultations rather than rely on individual opinions.
Hanafis & Observance of Hadith

(10) It is also argued that the Hanafis rely on weak Ahadith. But, this is wrong. The correct answer is that their books must be examined to find out the truth. The following are some of those books.

- Sharah Ma’ani al-Aathar, (Tahawi)
- Fath al-Qadeer, (Ibn Numan)
- Nasb ar Rayah, (Zayl’ee)
- Al-Jawhar an Naqi, (Mardini)
- Umdatul Qari, (Ayni)
- Fath alMulhim, (Uthmani)
- Bazlal Jamhud, (Saharanpuri)
- Ala us Sunan, (Zafar Ahmad Uthmani)
- Ma’arifus-Sunan, (Binnori)
- Fayd ul-Bari, Sharah Saheeh Bukhari

Nevertheless, we do point out some basic points in brief.

(1) It is not necessary that the Saheeh (authentic) Ahadith are found only in Bukhari and Muslim. The authenticity of a Hadith depends on its line of transmission and the principles of Ahadith. Hundreds of Scholars have collected Ahadith apart from Bukhari and Muslim and every Hadith that meets the standard is authentic. Sometimes, a Hadith in any other book outranks the standard of Bukhari and Muslim, like Ibn Majah which is otherwise ranked sixth among the saheeh six books.

If a Hadith measures up to the standards, then even a Hadith in a book other than the Sahah Sittah is authentic. If this is understood, then many objections against the Hanafi school of thought are removed.

(2) The differences of opinion that we see among the mujtahids is primarily because the manner of deduction of each of them varies. Some rely on the sanad when they have to choose from Ahadith of different apparent conclusions. Some others reconcile the Ahadith while some mujtahids choose the Hadith on which the Sahabah conducted themselves. So, every mujtahid has a different approach and none of them can be accused of neglecting the authentic Ahadith. Generally, Imam Abu Hanifah tried to reconcile the Ahadith and to observe all of them as far as possible. He even relied on weak Ahadith if there was no conflicting report, notwithstanding
disagreement with qiyas, for example, ablution is nullified by laughing, obligatory nature of zakah on honey, and so on.

(3) There is ijtihad on deciding whether a Hadith is sound or weak. And different imams have different results. Thus, Imam Abu Hanifah may regard a Hadith worth following while another mujtahid may classify it as weak.

(4) Often a Hadith was received by Imam Abu Hanifah with a sound line of transmission, but a narrator after him may turn out to be weak, so the mujtahids after him who get the Hadith may reject it. Hence, he cannot be blamed for that.

(5) A scholar may classify a Hadith to be weak on the basis of the line of transmission through which he received it. But the same Hadith may turn out to be sound through another line of transmission, like:

من كان له امام فقراءة الإمامة قراءة

(He who follows an imam) has been rejected by some scholars because of its line of transmission. But it is found with a very sound line of transmission in Musnad Ahmad ibn Manee’ and Kitab ul-Aathar.

(6) Sometimes a Hadith is weak in its sanad, but since it has been transmitted by many chains of transmission and many narrators have reported it from different areas, it is accepted and acted upon.

(7) Sometimes a Hadith is weak because of a weak narrator. It is not necessary that every weak narrator is always wrong. So, if other strong evidences point out to its strength then it is accepted. For instance, all the Sahabah and the tabi’een may have acted on it which is a strong evidence that it is authentic, example is the Hadith لَا وصية لَّؤوادَت which the scholars have confirmed. Sometimes, such a Hadith is even preferred over a Hadith with a weak sanad, for instance:

Sayyidah Zaynab, the daughter of the Prophet was married to Abul Aas who was a disbeliever in the beginning, but became a Muslim later on. There is a difference of opinion whether the Prophet retained the earlier marriage or had them remarried. Sayyidina Abdullah ibn Umar reported that the Prophet had them remarried and fixed a fresh dower for the bride, but Sayyidina Ibn Abbas reported that he retained their earlier marriage. The first version is weak while the second is authentic, but a scholar of the calibre of Imam Tirmizi has preferred the first because of the acceptance of the Sahabah. (Tirmizi)

Accordingly, Imam Abu Hanifah too, relies on a weak hadith when there are strong evidences. Therefore, we must not criticise him for that.
Sometimes, effort is not made to understand Imam Abu Hanifah’s school of thought. Some scholars too have made this mistake, like the Ahl Hadith scholar, Mawlana Muhammad Ismail Salfi argues against the Hanafi point of view on progressing from one posture to another in salah. He writes:

The Ahadith tell us that a man offered his salah in the presence of the Prophet SAWS. He did not make the ruku (bowing posture) and sajdah (prostration) carefully. The Prophet told him three times: مل فانک لم تصل (Offer your prayer, for, you have not offered it). It is on the basis of this Hadith that the Ahl-hadith and the Shafi’ee hold that if anyone does not perform these postures with composure then his salah is invalid. The Hanafi say, “After knowing the meaning of ruku’ and sajdah, we do not accept the explanation of the Hadith and rejection of the salah.” (Tahreek Azadi Fikr p32)

But, this is a wrong representation of the Hanafi principle. They also hold that if ruku and sajdah are not observed with composure, the salah will have to be repeated. However, there is a difference between fard and wajib, in the Hanafi thought, while the other imams do not differentiate between the two words. Imam Abu Hanifah holds that the fard of the salah are known from the Qur’an and continuous Ahadith, like the ruku’, sajdah, and so on. The wajib are what are known by ahad sources (single narrator, or single chain of narrators). In practice there is no difference in the two terms. If a fard is omitted, the salah has to be repeated and if a wajib is skipped, the salah is repeated; but, there is the difference in idea that the worshipper is said to be one who has neglected salah when he omits the fard and will attract the commands applicable to such persons. When he omits a wajib, he will not be called a neglector of salah but neglector of only one wajib of salah. In other words, his fard salah is discharged but it is wajib on him to repeat the salah. This does not contradict the Hadith. Rather, it is explained at the end of the same Hadith.

It is stated in Tirmizi that the Sahabah found it hard that one who lightens his salah should be termed neglector of salah. But, when the Prophet showed the man the correct way to perform salah and to be careful while progressing from posture to posture, he said:

فأذا فعلت ذلك فقد تمت صلواتك وان انقصت منه شيئاً
انقصت من صلائتك

“When you do that your salah will be perfect, but if you diminish then there will be imperfection in your salah.”

Sayyidina Rifa’ah the narrator of this hadith said:

وكان هذا آهون عليهم من الأولى أنه من انقص من ذلك شيئاً
انقص من صلائته ولم تذهب كلها

77
“And this thing seemed easier for the Sahabah than the first that diminishing from these things will diminish from the salah but not make it invalid.” (Tirmizi)

This shows that the aforesaid accusation against the Hanafis is wrong.

A mujtahid may differ from the conclusions of Imam Abu Hanifah. But, he should not term his entire school of thought to be weak, or accuse him of preferring qiyas to Hidayah.

Many scholars have praised Imam Abu Hanifah. However, we reproduce some comments of a great Shafi’ee scholar who is the imam of sciences of the Qur’an, Hadith, Fiqh and tasawwuf, Shaykh Abdul Wahab Sha’rani Shafee. He is not a Hanafi but he has rejected those who have labelled charges against Imam Abu Hanifah and even wrote about it in his book al-Meezan al-Kubra. He wrote:

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"Know that in these chapters, I have not spoken in favour of Imam Abu Hanifah out of a sentimental attachment as is the custom with many people. Rather, I have responded on his behalf after examining his books thoroughly. His mazhab is the first of all the schools of thought to be compiled and arranged and according to some inspired people it will be the last to be taken away while writing a book on the reasoning of the juristic schools of thought, I read his and his students sayings and opinions and I did not find any of them not based on one of the following legal arguments or on a Qur’anic verse or on a Hadith, or a weak Hadith transmitted by many chains of transmission, or a correct qiyas drawn from an authentic source. Anyone who wishes to know more may study this book of mine.” (Al-Meezan al-Kubra v1 p63-64)
“Only those say such things who bear malice towards Imam Abu Hanifah. They are bold concerning their religion and not careful in what they say. They ignore Allah’s saying:

\[
\text{إن السمع والبصر والفواد كال أوليبيك كان عنده مسئولات الح}
\]

“Surely the hearing and the sight and the heart — all of these shall be questioned of.” (17:36)

He also relates in his book that Sayyidina Sufyan Thawri, Maqatil ibn Hayyan, Hammad ibn Salamah and Ja’far Sadiq visited Imam Abu Hanifah, and asked him about the accusations against him. He said, “It is not only the Qur’an and Hadith, but even the Aathar of the Sahabah, after which I use qiyas.” He explained to them his viewpoint from morning till Zuhr when they took leave saying:

\[
\text{إنت سيد العلماء فاعف عنا فيما مصنى منا من وقيتنا فيك بغير علم}
\]

“You are the chief of the ulama. Do forgive us for the misgivings we had harboured about you without knowledge.”

Imam Sha’rani also created a chapter on rejection of accusations that Imam Abu Hanifah’s most arguments are weak. He also created another chapter to establish that his school of thought is the most careful from a religious point of view. He wrote therein:

\[
\text{فاني بحمد الله تبعت مذهبه فوجدته في غاية الاحتياط والورع}
\]

“…I have found it on the extreme limits of taqwa and carefulness.”

**Imam Abu Hanifah & Knowledge of Hadith**

(11) He is also accused of having few Ahadith, or a weak knowledge of Hadith.

This baseless accusation follows from lack of proper knowledge and prejudice. In fact, great scholars agreed that he was excellent in the science of fiqh and the science of Hadith too. They are not only the Hanafi ulama but also ulama of other schools of thought. We present remarks of some of them.
1. Ibn Jurayj was a great scholar of Hadith and fiqh. Imam Shafee’s mazhab derives mostly from him. Ibn Hajar said about him that when he learnt of Imam Abu Hanifah’s death he was greatly pained and said:

(what a knowledge has departed!) (Tahzeeb al-Tahzeeb v1 450)

2. Makki ibn Ibrahim was a teacher of Imam Bukhari. He was a student of Imam Abu Hanifah. His words about him are quoted by Hafiz Muzzi in Tahzeeb ul-Kamal:

كان اعلم اهل زمانه

“He was the greatest scholar of his times.” (marginal notes Tahzeeb al-Tahzeeb v1 451)

We must remember that the predecessors spoke of ilm (knowledge) to imply knowledge of Hadith. So these testimonies are concerning his knowledge of Hadith.

3. Sha’bah ibn al-Hujjah was called the Ameer ul-Mu’mineen in Hadith. He was the first imam known for examining the Ahadith narrators critically. He said:

كان والله حسن الفهم جيّد الحفظ

“By Allah! He was the most understanding and of an excellent memory.”

When he learnt of Imam Abu Hanifah’s death, he said:

طقى عن الكوفة نور العلم، انا انهم لايرون مثله ابداً

“The light of knowledge from Kufah has extinguished. These people will not find a man like him.” (Al-Khayrat ul-Hasanat p32)

4. Imam Abu Dawood said:

ان ابا حنيفة كان اماما

“Indeed Abu Hanifah was an Imam!” (Tazkirat ul-Huffaz v1 p160)

5. Yahya ibn Mu’een was an imam of critical examination, he said:

كان ابو حنيفة ثقة لا يحدث بالحديث الا بما يحفظ

and also: كان ابو حنيفة ثقة في الحديث

Further, he quotes Yahya ibn Sa’eed al-Quttan as saying:

قد اخذنا باكبر اقواله

“We acted on many of Imam Abu Hanifah’s sayings.” (Tahzeeb at-Tahzeeb v10 p450)
To a question he said once:

نعم ثقة

“Yes, he is trustworthy, yes, trustworthy.” (Manaqib al-Imam al-Azam v1 p192)

There are many other such quotations. Imam Abu Hanifah wrote down Kitab ui-Aathar when the most ancient books of Hadith had not even come to light, like Muwatta Imam Maalik, Musannaf Abdur Razzaq and Musannaf Ibn Abu Shaybah.

Imam Abu Hanifah selected from forty thousand Ahadith for this book. Besides recognised scholars compiled seventeen masanads of Imam Abu Hanifah, none of which is less voluminous than sunan Shafee, Ibn Adi being one of them. He was displeased with the Imam in the beginning but relented later on and by way of expiation compiled the musnad.

The station of Imam Abu Hanifah in the science of Hadith is great and much can be said about him but we present this much as an example. However, we conclude with the remarks of the famous scholar of Ahl Hadith, Nawab Siddiq Hasan Khan:

وكان عالماً عالماً زاهداً عابداً ورعاهياً كثير الخشوع دائم التضرع الى الله تعالى

“He was a practicing scholar. He was a worshipper and an ascetic, a God-fearing righteous man. He was humble and always showed humility to Allah.”

And also:

مناقبه وفضائله كبيرة وقد ذكر الخطيب في تاريخه منها شيئاً كثيراً، ثم أعقب ذلك بذكر ما كان لا لقب تركه وألزمه عنه، فمثل هذا الإمام لا يشكون في دينه ولا في ورعه وحفظه ولم يكن يعاب بشيء سوى قلته العربية

“His merits are many. Khateeb Baghdadi has devoted much to him in his Tareekh, but then added some comments that had better been ignored. For no one can doubt the integrity and piety of a man like Imam Abu Hanifah. The oniy shortcoming noted in him was poor Arabic.” (At-Taj al-Makallah p136-138)

We will see later the remarks about Arabic. Nawab Siddiq Hasan Khan did not deem it necessary to mention adverse remarks on Imam Abu Hanifah concerning Hadith. Besides, he has devoted his book, At-Taj al-Mukallal on scholars of Hadith. Imam Abu Hanifah also finds a mention in it as a Hadith scholar.
The remarks by Nawab Siddiq Hasan about the poor Arabic of Imam Abu Hanifah are perhaps taken from Qadi Ibn Khallikan because he has used the same words. But, the following words of Ibn Khallikan clarify the matter. The well-known grammarian Abu Amr ibn al-Ula asked Imam Abu Hanifah about the command when someone is reported to have slain another person intentionally: does that call for qisas. The Imam said, “No!” He asked: (even though with a catapult). The Imam said: Amr said that he should have said correct!

But, this objection was not proper, for, some Arabs do say as the Imam said. Ibn Khallikan has mentioned this that this was the dialect of the people of Kufah. A poet says:

فَانَا أَبَا اِبْنَ ابِنِ أَبِي اَبِي
قَدْ بَلَغَ فِي الْمَجْدِ غَايَبَاهَا

Imam Abu Hanifah too was from Kufah. (Wafayat al-Ayan v2 p165)

It turned out that the objector himself lacked proper knowledge of Arabic.
DORMANCY IN TAQLEED

Finally, just as personal opinion in opposing taqleed and legal issues is blame worthy so too is inactivity and exaggeration in taqleed. This is visible in such cases:

1. Regarding the mujtahids as givers of law and innocent, and like Prophets free of mistakes.

2. Refusing to act on an authentic Hadith because to command is forthcoming from the imam concerning it. Thus, many people do not raise their index figure while reciting:

   "اشهد ان لا الله الا الله"

and neglect this sunnah because the Imam does not say anything about it. Some people pass a very rude comment about it. Theirs is perhaps the dormant taqleed which the Qur’an and Hadith renounce.

3. Twisting Ahadith to reconcile with the Imam’s mazhab. If a person really experiences a favourable heart condition while another does not find it correct then the second should not raise objections over the first.

4. If a learned scholar establishes sincerely that an opinion of the imam is contrary to a Hadith which has no different version but he continues to neglect the Hadith then this too is dormant taqleed. We have discussed it in the preceding pages.

5. It is also sheer exaggeration to imagine that only one’s imam is on the right. The fact is that all mujtahids are on the right and have adopted a correct procedure. If anyone has made a mistake in ijtihad not only is that forgiven but the mujtahid also gets reward. The muqallid may believe that his imam’s mazhab is correct with possibilities of mistake while the other imams have erred in ijtihad but there is possibility of authenticity.

6. Presenting differences among mujtahids in exaggerated form. Often there is a difference of opinion on the question of excellence or otherwise of omitting but not on lawful or unlawful. They are issues like raising hands in salah, saying Aameen loudly, etc. These things are allowed with everyone and it is exaggeration in taqleed to call them lawful or unlawful causing dissention in the ummah.

7. Even in cases where the mujtahids differ on lawful or unlawful nature of anything, the discussion must centre round scholastic argument. Allamah Shatbi has spoken very well on this subject. (Al-Mawafiqat v4 p220-224)
A FINAL WORD

While I have done my best to write on the subject, my aim has never been to debate and argue. I have endeavoured merely to explain the viewpoint of the majority of the Muslim ummah who have been following one or the other mujtahid. If I have hurt anyone unwillingly then I apologise for that. I hope to remove misgivings about this majority section which is termed unlawful and polytheistic. If anyone continues to differ even after reading this book, then let him retain his views, but accusing the mujtahids and imams of law making and being polytheistic is a very dangerous trend. We must seek refuge in Allah from that.

Here is a selection from the famous scholar of Ahl Hadith, Nawab Siddiq Hasan Khan.

“It is a favour of Allah on me that I regard only the Ahl Sunnat as a successful section. I do not have misgivings on what else I am Hanafi, Shaf’ee or Ahl Hadith. I know that every group has issues contrary to evidence, as also agreeable. Some rulings among them are correct, some weak. To ridicule the earlier imams is to go against the sunnah. Those who follow their imam even after knowing that they have erred are dormant and lethargic. I do not say they are misled, nor do I refuse to offer salah with them, nor do I call them disbelievers. Differences in rulings, worship and mutual dealings do not make the scholar an infidel. The most one can say is that there is mistake in ijtihad or in understanding. The schoars recognise them I hope that Allah — if the speaker and doer was sincere in purpose, not prejudiced but got netted in strong doubt — He will forgive the mistake. But, if the dormancy and exaggeration on the mistake is intentional, hypocritical and divergence against Allah and His Messenger then there is fear. But, against a hopeful, fearful Muslim to be mistrustful is not necessary!

نحن نحكم بالظواهر والله اعلم بالسرائر

We judge by the visible, but Allah knows best the unseen.” (Faran May 1963)

Further, in these times when Muslims are surrounded by trials and tribulations, corruption and problems, nothing would be more disturbing and destructive than that they quarrel with each other. Or that they accuse each other over little, paltry things as infidels, polytheists, or reject worship of each other calling their salah wrong. We have not been defeated by our enemies but have weakened ourselves to let the enemies gain therefrom.

We pray that Allah may guide us on the right path. May He cause us to recognise Truth, and to follow it. And to recognise evil, and to shun it. May He cause us to give our lives for lofty aims, rather than slay each other. Aameen.