

# What is Taqleed?

## Taqlid or Ittiba' is Wajib (compulsory) upon Muslims:

Taqlid or Ittiba' is Wâjib (compulsory) upon Muslims. Yet there are many Muslims in the present age who have hardly heard of the words Taqlid or Ittiba'. Others who may have heard about it, do not fully comprehend its meaning. This has led to people even rejecting Taqlid – thereby rejecting a Wâjib. As a general rule, man is suspicious and afraid of that which he does not know. Therefore a proper understanding of the issue of Taqlîd or Ittibâ would dispel the ignorance surrounding it, Inshâ Allah.

## Taqlid is a part of everyday life:

Taqîd or Ittibâ in essence, simply refers to the practice of an unqualified, lay person (in a specific field of specialisation) submitting to and accepting the authority of an expert in that field, without demanding proof and justification for every view, opinion or verdict expressed by such an expert authority. This is a natural state of human existence, practised by millions of people worldwide in every facet of life. The simplest and most tangible example of Taqlîd or Ittibâ is that of a child learning his basic alphabets at school. Every child learning his alphabets is unconsciously practising Taqlîd. A learner driver taking instructions from a driving instructor is practising Taqlîd. People going to a specialist doctor for medical treatment and following his instructions is another glaring example of Taqlîd or Ittibâ. A lay person soliciting a legal opinion from an advocate or following the advice of a tax consultant is another common case of Taqlîd. A client at an engineering firm, asking for the engineer's advice on complex engineering calculations is yet another instance of Taqlîd or Ittibâ in action. The millions of 'facts' in the myriad of sciences such as astronomy, archaeology, etc. are all distinct examples of Taqlîd or Ittibâ Who ever questions the 'fact' or asks for proof that the sun is really 93 million miles away from the earth! It is taken for granted that this is the findings of the 'experts' in these fields and everyone simply accepts it as such. School teachers teach these to their pupils as 'gospel truth' and children learn and memorise these 'facts' with the hope of succeeding in their exams. There are countless such examples of Taqlîd or Ittibâ in everyday existence. It is quite clear from the above, that Taqlîd or Ittibâ is a natural way of life, and is not specific to Islam or Islamic Fiqh alone.

## Taqlid is the easy option for ordinary people:

In the context of Islamic Fiqh or Law, Taqlîd or Ittibâ simply refers to accepting and following the verdicts of expert scholars of Islamic Fiqh in their exposition and interpretation of Islamic Law, without demanding from them an in-depth explanation of the intricate processes required in arriving at such a verdict, called Ijtihad. It simply means that ordinary folk do not have to do Ijtihâd, i.e. the intricate and complicated procedures involved in deriving Islamic rulings that scholars exercise

when issuing a Fatwâ (legal verdict). The duty of ordinary people is to trustingly accept the authority of the learned scholars in this matter and act upon their verdicts.

In this sense, Taqlîd is a great blessing for common people, for it is beyond their capacity to understand the extremely complex and complicated mechanics of Ijtihâd. The ability to do Ijtihâd requires many long years of study and erudition and a great deal of exertion (Ijtihâd means to exert one self) in acquiring a mastery of various Islamic sciences, among other varying requirements.

### **Misunderstandings regarding Taqlid:**

Recently, misunderstandings have arisen regarding the issue of Taqlîd. It has become a theme of major debate in many parts of the world among Muslims. This debate has naturally resulted in arguments being promulgated by both the protagonists and the antagonists of Taqlîd.

The best way of removing such misunderstanding is to view the original sources of Islam – the Qurân and Hadîth and the teachings of the learned elders of Islam on this subject. After a study of this subject, the correct interpretation and understanding of Taqlîd and Ittibâ would emerge. This would lead to a better understanding and analysis of the arguments and counter-arguments of protagonists and antagonists. (Elsewhere in this issue, check the article on Taqlîd and Ittibâ in the light of Qur'an and Hadith)

### **THE SHAR'EE ROLE OF TAQLEED:**

The essence of guidance is derived from the Holy Qurân - "Hudan li al-Nas" ("A Guidance for Mankind). But this guidance and its laws are based on fundamental principles, the details of which have been entrusted to and consigned by the Holy Prophet (*Sallallaahu Álayhi Wasallam*) in order to explain them to mankind.

For example, the Holy Qurân says: "Aqimus-Salaat" ("establish prayer"). It does not define the method as to how the prayer should be established; how the various postures should be performed; the mode of recitation of Surah, etc. The complete method of prayer i.e. "Salaat" is explained by the Holy Prophet (*Sallallaahu Álayhi Wasallam*).

1. "Wa 'Atuz-Zakat" ("And give charity"). Now the Zakaat amounts payable on gold, silver, cattle, land, produce, etc. are only known through the Ahadith and there is no mention of it in the Holy Qurân.
2. "Wa Lillahi `ala an-Nas Hij Al-baiti" ("It is obligatory on people to perform the Hajj of the House of Allah.) Here again, the method of Tawaf, the number of circumambulations, the details regarding Arafat, Mina, Muzdalifah, the stoning at the Jimar, etc. have all been explained by the Holy Prophet (*Sallallaahu Álayhi Wasallam*).

Thus it becomes imperative to understand the Holy Qurān in the light of the Ahadith even for major obligatory acts like Salaat, Zakat and Hajj without which it is impossible to act and understand the commands of the Holy Qurān. The believers are commanded to attain guidance from the Holy Qurān in accordance with the details explained by the Holy Prophet (*Sallallaahu Álayhi Wasallam*). Therefore Allah specifies: "Whosoever obeys the Messenger has indeed obeyed Allah." This obedience to the Holy Prophet (*Sallallaahu Álayhi Wasallam*) would in reality be obedience to Allah Himself.

A direction from the Hadith informs us:

*"Also perform your prayer just as you see me perform my prayer." (Bukhari Vol. 1, p. 1076)*

It is not said: "Perform your prayer in the manner you may infer from the Holy Qurān."

Hadith is divided into different categories:-

The sayings of the Holy prophet (*Sallallaahu Álayhi Wasallam*),

- a. The acts and doings of the Holy prophet (*Sallallaahu Álayhi Wasallam*),
- b. The sayings, acts and doings of others, approved by the Holy Prophet (*Sallallaahu Álayhi Wasallam*).

All these categories of Ahadith give guidance to the Umma.

### **QIYAS:**

When the Prophet (*Sallallaahu Álayhi Wasallam*) was asked a question he answered and also counter-questioned the questioner, on a similar (analogical) matter, the answer of which was known to him. On the correct reply being given by the questioner, the Prophet (*Sallallaahu Álayhi Wasallam*) would say: "The question you had asked is in the same category as this answer of yours."

EXAMPLE: A lady once asked: "Hajj was obligatory on my mother but she passed away. Can I perform it on her behalf?" The Prophet (*Sallallaahu Álayhi Wasallam*) replied: "Yes, it would be accepted on her behalf. Tell me, if your mother had a debt would you pay it." She replied in the affirmative. Rasulullah (*Sallallaahu Álayhi Wasallam*) said: "Fulfill what is on her behalf. Certainly, the duty and right of Allah would be more acceptable." This kind of reasoning is called Qiyas, Ijtihad, or Istimbat in Shari`a.

These are only used in Shari`a when the Qurānic or Traditional directives are not specifically spelt out. The Holy Prophet (*Sallallaahu Álayhi Wasallam*) sent Hadrat Mu`adh ibn Jabal (*Radhiyallaahu Ánhu*) as a Governor and Qaadhi to Yemen. The Holy Prophet (*Sallallaahu Álayhi Wasallam*) gave to Hadrat Mu`adh many

instructions and advices even while he held the reins and led the horse with Hadrat Mu`adh mounted on it. The Holy Prophet (*Sallallaahu Álayhi Wasallam*) also asked: "By which law would you dispense justice." He replied: "By the Law of the Holy Qurān."

"And if you do not find it (i.e. what you seek) in the Holy Qurān."

He replied: "By the Prophetic Traditions."

"And if you do not find it in there also, then!"

He replied: "Then I would make Ijtihad." The Holy Prophet, (*Sallallaahu Álayhi Wasallam*) expressed his happiness with his reply and fully endorsed and supported his stand and thanked Allah for it. (Abu Daawud Vol 2. p. 149)

When after such an Ijtihad all the scholars agree to its conclusion, it is termed "Ijma", for it must be understood that Qiyas or Ijtihad does not prove an order or command; it only makes it evident and known. It was hidden in the Holy Qurān or the Ahadith; the Mujtahid, by Dalalatan, 'Isharatan or Iqtdha'an, brought it in the open for the generality of people.

The person who does not have the power of Ijtihad is bound and compelled to follow a Mujtahid and this act of following a Mujtahid is termed Taqlid. The Holy Prophet (*Sallallaahu Álayhi Wasallam*) sent Hadrat Mu`adh ibn Jabal as Qadi so that people could act upon his instructions and guidance derived from the Holy Qurān, the Ahadith and his Ijtihad. To accept all three would in reality be obedience to Rasulullah (*Sallallaahu Álayhi Wasallam*) as mentioned in Mishkāt Sharif (p. 310). Hadrat Abu Hurayrah (*Radhiyallaahu Ánhu*) reported that the Holy Prophet (*Sallallaahu Álayhi Wasallam*) said, "Who has obeyed me, has obeyed Allah and who was disobedient to me has been disobedient to Allah and who obeyed the Amir was obedient to me and who was disobedient to the Amir has been disobedient to me."

### **PRECEPTS, PROPOSITIONS AND THEIR KINDS:**

Masa'il or precepts are of four kinds:-

1. Clear instructions from the Holy Qurān and Ahadith. No Qiyas is allowed nor Taqlid permissible. The order is to practice on the clear injunction.
2. In such propositions where there are two injunctions, one earlier, and one later, and through historical evidence both renown, then the earlier proposition is abrogated (Mansukh), whilst the latter command is ordered. Here too Qiyas and Taqlid ~ not permitted.
3. Those propositions that have two clear injunctions but it is not known which is earlier and which later, i.e. no historical evidence.
4. Those propositions of which there exist no clear injunctions. Propositions 1 (and 2) are clear. the last two (Propositions 3 and 4) need explanations. Since

3 and 4 are not clear, what must a person do? If he does not practice upon them, he is yet not allowed to go free. The Qurānic verses state: "Is man under the notion that he will be left free?"

"Do you think that you have been created in vain?" It is not so, you have to obey Allah's command every second. Now how are we going to obey when it is not known, which is abrogated and which is not. In the fourth kind of proposition when one has no knowledge what is he going to practice on? Allah says: "Do not practice on anything without knowledge:"

Thus the need of Qiyas and Ijtihad. In the third kind of proposition the need is to verify the clear injunction and in the fourth kind it is to find a clear order and command. This is a known fact that everybody does not have the ability or power to make Ijtihad and this verse also makes it clear.

Everybody makes claims of giving opinions but only that ruling is accepted which is in accordance with Shar`iah and of a Mujtahid. The verdict of a Muqallid will not be accepted. The Mujtahid makes Ijtihad while the Muqallid makes Taqlid. Even if the Mujtahid makes a mistake he is rewarded as mentioned in Bukhari, Vol. 1 p. 11092.

Here exists a doubt that there were many Mujtahids among the Sahaaba (*Radhiyallaahu Ánhum*), the Tabi`in and Tabi` Tibi`n; But only the 'I'ma 'Arba` i.e. Imaam Abu Hanifah, Imam Malik, Imam Shaafi`i and Imam Ahmad (*Rahmatullaahi Álayhim*) are followed and Taqlid made of them. What is wrong in following the Sahaaba (*Radhiyallaahu Ánhum*) whose virtues have been abundantly mentioned in the Holy Qurān and the Ahadith?

There is no doubt that the Sahaaba (*Radhiyallaahu Ánhum*) have a far greater status and position than the I'ma Arba`a does not make Taqlid of any one of the I'ma Arba` ever thinking them to be greater than the Sahaaba but its simple reason is that for Taqlid it is necessary to know those injunctions in which Taqlid has to be made. The detailed knowledge which can be found in every section and chapter from Kitaab- at-Taharat to Kitab al-Fara'idh, whether it concerns acts of worship, or social and cultural aspects, in every department of knowledge, these were the first and only 'I'ma that gathered them all in every detail. They were schools of knowledge in their own right that codified knowledge in every field. We do not find such codification either of the Sahaaba or other Tabi`in. The only choice we have is to follow them. It must also be borne in mind that Allah had bestowed on them the perfection of knowledge of the Holy Qurān and the Ahadith. It is said by Shah Waliullah (*Rahmatullaahu Álayhi*) in the commentary of Muwatta' Imaam Malik, p.6 that these four Imaams together have encompassed the entire knowledge of the Holy Qurān and Ahaadith to such a degree that not a single Hadith which was reported by the Sahaaba was omitted by them.

Clarification is further required regarding another doubt in most minds: What is the necessity of making Taqlid of only one Imaam? One should be allowed to follow

any of the four Imaams in the different Masa'il as was the method in the time of the Sahaaba and Tabi'in. Mazhab was not confined to a single Imam. Why must such concessions not be allowed in our times?

In the time of the Sahaaba, which was the best of times, there was no ulterior motives regarding religious questions. A question was asked to know the correct method and to practice on it. It was not asked for one's convenience as in later times. For example, A person with Wudhu touched his wife which according to the Shafi Mazhab nullifies Wudhu: Now when he is told to make Wudhu, he replies: "I make Taqlid of Imaam Abu Hanifah and it is not a breaker of Wudhu according to his Mazhab, therefore my Salaat will be valid."

Now this person vomits, which according to Hanafi Mazhab, breaks Wudhu. He is now told to make Wudhu. He replies: 'I make Taqlid of Imam Shafi'i; it is not a nullifier of Wudhu, therefore my Salaat is valid'. If this person (who has on the one hand, touched his spouse, and on the other hand, vomited) has to perform his Salaat with such a Wudhu, it would neither be correct by Imaam Abu Hanifah nor by Imam Shafi'i. In terminology this is known as Talfiq which is agreed upon unanimously to be void and not permitted. This is not Taqlid but following one's passions and desires for one's personal convenience which lead one astray. The necessity of following a Mazhab, Imam or Mujtahid is that one would not fall into the temptations of following one's own desires. The Holy Qur'an states:

*'And do not follow desires. You would be led astray from the path of Allah.' Thus the need of following only one Imam.*

For centuries we have heard of great scholars, jurists, 'Ulama' and Auliya who had the treasures of knowledge, who were in their personal capacities libraries with encyclopedic knowledge. Their piety constituted perfect examples in emulation of the Sahaaba. Their entire life was spent in accordance with the Sunnah of Rasulullah (Sallallaahu Alayhi Wasallam). They also followed the 'Tima Arba` and it would not be incorrect to say that it was because of this Taqlid that they attained the heights of perfection.

Islamic Jurisprudence (Fiqh) is confined to the four schools. Those that do not conform to any one of them are called Ahle Hadith or Ghair Muqallid.

## What is a Madhhab and why is it necessary to follow one?

**Nuh Ha Mim Keller**

The word madhhab is derived from an Arabic word meaning "to go" or "to take as a way", and refers to a mujtahid's choice in regard to a number of interpretive possibilities in deriving the rule of Allah from the primary texts of the Qur'an and hadith on a particular question. In a larger sense, a madhhab represents the entire school of thought of a particular mujtahid Imam, such as Abu Hanifa, Malik, Shafi'i, or Ahmad--together with many first-rank scholars that came after each of these in their respective schools, who checked their evidences and refined and upgraded their work. The mujtahid Imams were thus explainers, who operationalized the Qur'an and sunna in the specific shari'a rulings in our lives that are collectively known as fiqh or "jurisprudence". In relation to our din or "religion", this fiqh is only part of it, for the religious knowledge each of us possesses is of three types. The first type is the general knowledge of tenets of Islamic belief in the oneness of Allah, in His angels, Books, messengers, the prophethood of Muhammad (Allah bless him and give him peace), and so on. All of us may derive this knowledge directly from the Qur'an and hadith, as is also the case with a second type of knowledge, that of general Islamic ethical principles to do good, avoid evil, cooperate with others in good works, and so forth. Every Muslim can take these general principles, which form the largest and most important part of his religion, from the Qur'an and hadith.

The third type of knowledge is that of the specific understanding of particular divine commands and prohibitions that make up the shari'a. Here, because of both the nature and the sheer number of the Qur'an and hadith texts involved, people differ in the scholarly capacity to understand and deduce rulings from them. But all of us have been commanded to live them in our lives, in obedience to Allah, and so Muslims are of two types, those who can do this by themselves, and they are the mujtahid Imams; and those who must do so by means of another, that is, by following a mujtahid Imam, in accordance with Allah's word in Surat al-Nahl,

" Ask those who recall, if you know not " (Qur'an 16:43),

and in Surat al-Nisa,

" If they had referred it to the Messenger and to those of authority among them, then those of them whose task it is to find it out would have known the matter " (Qur'an 4:83),

in which the phrase those of them whose task it is to find it out, expresses the words "alladhina yastanbitunahu minhun", referring to those possessing the capacity to draw inferences directly from the evidence, which is called in Arabic istinbat.

These and other verses and hadiths oblige the believer who is not at the level of istinbat or directly deriving rulings from the Qur'an and hadith to ask and follow someone in such rulings who is at this level. It is not difficult to see why Allah has obliged us to ask experts, for if each of us were personally responsible for evaluating all the primary texts relating to each question, a lifetime of study would hardly be enough for it, and one would either have to give up earning a living or give up ones din, which is why Allah says in surat al-Tawba, in the context of jihad:

" Not all of the believers should go to fight. Of every section of them, why does not one part alone go forth, that the rest may gain knowledge of the religion and admonish their people when they return, that perhaps they may take warning " (Qur'an 9:122).

The slogans we hear today about "following the Qur'an and sunna instead of following the madhhabs" are wide of the mark, for everyone agrees that we must follow the Qur'an and the sunna of the Prophet (Allah bless him and give him peace). The point is that the Prophet (Allah bless him and give him peace) is no longer alive to personally teach us, and everything we have from him, whether the hadith or the Qur'an, has been conveyed to us through Islamic scholars. So it is not a question of whether or not to take our din from scholars, but rather, from which scholars. And this is the reason we have madhhabs in Islam: because the excellence and superiority of the scholarship of the mujtahid Imams--together with the traditional scholars who followed in each of their schools and evaluated and upgraded their work after them--have met the test of scholarly investigation and won the confidence of thinking and practicing Muslims for all the centuries of Islamic greatness. The reason why madhhabs exist, the benefit of them, past, present, and future, is that they furnish thousands of sound, knowledge-based answers to Muslims questions on how to obey Allah. Muslims have realized that to follow a madhhab means to follow a super scholar who not only had a comprehensive knowledge of the Qur'an and hadith texts relating to each issue he gave judgements on, but also lived in an age a millennium closer to the Prophet (Allah bless him and give him peace) and his Companions, when taqwa or "godfearingness" was the norm--both of which conditions are in striking contrast to the scholarship available today.

While the call for a return to the Qur'an and sunna is an attractive slogan, in reality it is a great leap backward, a call to abandon centuries of detailed, case-by-case Islamic scholarship in finding and spelling out the commands of the Qur'an and sunna, a highly sophisticated, interdisciplinary effort by mujtahids, hadith specialists, Qur'anic exegetes, lexicographers, and other masters of the Islamic legal sciences. To abandon the fruits of this research, the Islamic shari'a, for the following of contemporary sheikhs who, despite the claims, are not at the level of their predecessors, is a replacement of something tried and proven for something at best tentative.

The rhetoric of following the shari'a without following a particular madhhab is like a person going down to a car dealer to buy a car, but insisting it not be any known make--neither a Volkswagen nor Rolls-Royce nor Chevrolet--but rather "a car, pure and simple". Such a person does not really know what he wants; the cars on the lot do not come like that, but only in kinds. The salesman may be forgiven a slight smile, and can only point out that sophisticated products come from sophisticated means of production, from factories with a division of labor among those who test, produce, and assemble the many parts of the finished product. It is the nature of such collective human efforts to produce something far better than any of us alone could produce from scratch, even if given a forge and tools, and fifty years, or even a thousand. And so it is with the shari'a, which is more complex than any car because it deals with the universe of human actions and a wide interpretative range of sacred texts. This is why discarding the monumental scholarship of the madhhabs in operationalizing the Qur'an and sunna in order to adopt the understanding of a contemporary sheikh is not just a mistaken opinion. It is scrapping a Mercedes for a go-cart.

## ***Taqleed vs Quran og Sunnah***

av **Al-Hidayah - Troverdige kilde til Islamsk kunnskap** den 14. november 2010 kl. 11:21

*Taqleed* er i følge definisjonen til de lærde å akseptere en fatwa fra en lærd som har kunnskapen som trengs for å gi en *fatwa*, uten å nødvendigvis se bevisene som er lagt til grunn for denne personens konklusjon. For mange er denne definisjonen, og dermed konseptet av *taqleed*, uakseptabelt, og ender derfor opp med å klassifisere de som gjør *taqleed* for å følge andre mennesker blindt, og dessverre er det noen brødre og søstre som går så langt at de kaller dette en handling av *kufir*, fordi de betrakter dette å gi statusen av en profet til noen etter Profeten Muhammad, måtte Allahs fred og velsignelser være med ham. Realiteten er noe helt annet, og det er en ubestridt faktum at enhver muslim i dag gjør *taqleed*, enten de vet det eller ikke, for *taqleed* i sin essens er å stole på kunnskapen en annen person har innen Islam (og ellers i livet), og akseptere denne personens konklusjoner.

Utviklingen av *taqleed* startet rett etter tiden av Profeten Muhammad, måtte Allahs fred og velsignelser være med ham. I tiden av Sahaba, måtte Allah være tilfreds med dem alle, var det noen av Sahaba som ble foretrukket fremfor andre når spørsmål oppstod blant dem, og det ble nødvendig med rådføring. Sahaba som Abdullah ibn Mas'ud, Ali bin Abi Talib, Abdullah ibn Abbas, Abdullah ibn Zubayr, Umar ibn al-Khattab og mange flere, måtte Allah være tilfreds med dem alle, ble oftere rådført i ting relatert til Islam og islamsk lov enn de øvrige, og hvis noen sa noe imot det disse sa, ble konklusjonen og forståelsen til de få utvalgte satt fremfor andres. Denne utviklingen er naturlig, for i tiden av Profeten Muhammad, måtte Allahs fred og velsignelser være med ham, kunne enhver komme til ham og spørre et spørsmål, og han ville få et svar, noe som ikke var mulig etter Profetens bortgang.

Etterfølgerne til *sahaba*, måtte Allahs barmhjertighet være med dem alle, fortsatte denne utviklingen, med at noen få av dem lærte kunnskap til en slik nivå, at disse ble henvendt til for å løse problemer som oppstod som trengte svar fra islamsk perspektiv. Lærde som Ibrahim an-Nakha'i, Awza'i, Hammad, Sha'bi, al-Zangi, Waki'i og Nafi', i tillegg de fire mest kjente fra denne perioden, Abu Hanifa, Malik, Hanbal og Ahmad, måtte Allahs barmhjertighet være med dem alle, ble oftere henvendt til i forhold til andre. Disse lærde baserte seg på Quran og Sunnah, men ble nødt til å sette ned visse prinsipper som kunne benyttes for å svare på nye problemstillinger. Disse prinsippene kunne variere fra en *Imam* til en annen, og det er ikke unaturlig – f eks i klassifisering av *hadith*, så må de som forteller *hadithen* være troverdige, men hva betyr dette? Noen sa at dette betyr at den personen ba alle sine bønn i *Masjid*, mens en annen mente at dette ikke var så viktig, men heller det at han ikke snakket så mye og var heller opptatt med å lese Quran og gjøre *Dhikr* hele tiden, og en annen igjen mente kanskje at det viktigste var at han ikke en eneste gang hadde blitt observert å ha glemte noe som helst. Så kriteriene kan være forskjellige, og dette vil føre til at en og samme *hadith* vil bli behandlet på forskjellige måter, avhengig av hvilken kriterier som er satt til grunn, i tillegg til forskjeller i tolkning av en og samme *hadith*. En annen direkte konsekvens av dette ville da være forskjeller i meninger om et tema, og en *imams* standpunkt ville være den sterkeste hvis noen gitte prinsipper ble brukt, mens den andre *imams* synspunkt ville være sterkere hvis et annet synspunkt ble brukt. Disse forskjeller er fortsatt eksisterende gjennom forskjeller mellom de forskjellige skolene som utviklet seg over tid.

Selv om det var mange *imamer* i begynnelsen, så er det kun prinsippene og kunnskapen til noen få, faktisk kun fire, som overlevde, fordi deres elever skrev ned og videreførte disse, og over tid utviklet det seg skoler rundt de forskjellige prinsippene, altså store grupper av lærde fulgte de forskjellige *imamenes* fotspor og bygget videre på deres kunnskap og brukte deres prinsipper til å løse nye problemstillinger, samt å verifisere det som var blitt formidlet til dem, slik at hvis noen nye bevis ble gjort tilgjengelig som ville ha endret konklusjonen, så ville de lærde av senere tid endre den. Disse lærde blir ofte kalt for de siste autoritetene i den spesifikke lovskolen, og er slike som *Imam* Hafsaki, Ibn Abidīn, Marghinānī, Nabulsi, al-Qayrawānī, al-Jundi, al-Bayhaqi, ibn Hajar al-Asqalānī, al-Khatib al-Baghdādī, ibn Qudama al-Maqdisī og Shams a-Dīn Muflih, måtte Allahs barmhjertighet være med dem alle. Alle disse lærde utgjør de siste autoritetene innenfor de forskjellige lovskolene, som i bunn og grunn følger Quran og Sunnah, men som har kommet til forskjellige løsninger og konklusjoner på grunn av forskjeller i prinsippene som er lagt til grunn innenfor den spesifikke skolen og forskjell i forståelsene av de forskjellige kildene.

Så, tilbake til at absolutt alle gjør *Taqleed*. Det er ingen som skal benekte at kunnskapen i Islam er veldig enorm. Lærde har gjort en like enorm jobb i å klassifisere all denne kunnskapen i forskjellige grener, om det er Aqīdah (tro), Usool al fiqh (prinsippene av islamsk lov), fiqh (islamsk lov), *hadith*, Qira'āt (måten en leser Quran på) osv. For å vise at enhver gjør *Taqleed* i Islam, skal vi fokusere kun på *hadith*, men prinsippet er det samme for de øvrige grenene.

Enhver *hadith* vi leser bærer med seg en klassifisering, altså at den er enten Sahih, Hasan eller Dha'īf. Denne klassifiseringen er ikke fra Quran og Sunnah, men er resultat av synspunktene til de lærde som samlet de forskjellige *hadithene*. *Imam* Bukhari og *Imam* Muslim, som begge har de to mest kjente samlingene og begge samlinger er betraktet som Sahih av muslimene til den dag i dag, men prinsippene som ble lagt til grunn for hva som er Sahih er forskjellig mellom dem, og begge har klassifisert *hadith* ifølge sin egen kunnskap og evne. En person som da plukker opp Sahih al-Bukhari, og sier at denne er Sahih, gjør dermed *Taqleed* av *Imam* Bukhari og hans synspunkter, uten at det er framlagt noen former for bevis som støtter hans konklusjon, som blant annet ville ha vært å gå gjennom tusener av bøker med 'Ilm ur-Rijāl ("kunnskap om folk" – samlinger av biografier av hver eneste person som har formidlet noe som helst av Islam), i tillegg til mange andre kriterier. Om en leser en bok som kanskje har en tittel "Bønn i tråd med Quran og Sunnah", og hvor den som skriver gir "bevis" ved å nevne en *hadith* eller Quran vers. En som tar dette som korrekt, har gjort *Taqleed* av den som har skrevet boken, fordi man aksepterer at denne personen må ha rett, uten at en bruker til på å se på andre motstridende *hadith*, Sahaba's forståelse av den *hadithen* og de lærdes forståelse av den *hadithen*. For å gi et eksempel:

Profeten, måtte Allahs fred og barmhjertighet være med ham, sa: "Det er ingen bønn for den som ikke leser åpningen av Boken" [Sahih Bukhari]. Denne *hadithen* sier at en må lese Surah al-Fatiha i Salāh. Hvis en bok presenterer denne *hadithen* og konkluderer med at en må lese Surah al-Fatiha i bønn om man ber alene eller bak en *Imam*, og en aksepterer dette, så gjør man *Taqleed*, fordi man aksepterer uten å (1) gå i detalj på hvorvidt den *hadithen* faktisk er Sahih (som er *Taqleed* av *Imam* Bukhari),

(2) bekrefte at *hadithen* faktisk står i Sahih al-Bukhari, (3) bekrefte at *hadithen* er gjengitt korrekt med korrekt oversettelse, (4) se på hva tidligere lærde og Sahaba har sagt om den *hadithen*, og (5) se på *hadith* og Quran vers som motsetter seg den konklusjonen (MERK: motsetning av konklusjon, IKKE *hadith*), hvor da de fire sistnevnte vil være å gjøre *Taqleed* av forfatteren.

For å vise at ting ikke er like svart-hvitt som man vil ha det til, så er det en *hadith* i Sahih Muslim, som forteller:

Atā ibn Yasār spurte Zayd bin Hārith, måtte Allah være tilfreds med dem begge, angående resitering av Quran bak *Imam*, og Zayd svarte: ”Det er ingen resitasjon bak *Imam* i noen Salāh”[Sahih Muslim]

En liknende *hadith* av Abdullah ibn Umar er også nevnt i Sunan al-Bayhaqi. Det er verdt å påpeke at den ene posisjonen ikke er mer rett enn den andre, men heller at begge er rett i følge de prinsippene som er brukt for å nå posisjonen, for den første posisjon er også den som er adoptert av *Imam* Shafi’i, og den andre posisjonen er den som er adoptert av *Imam* Abu Hanifa.

En annen aspekt som er viktig å berøre i denne sammenhengen er det mange betegner som det å følge en *imam* blindt, fordi definisjonen av *Taqleed* tilsier at det er å ”følge en persons synspunkt på et gitt problemstilling uten å kreve bevis for hans/hennes synspunkter”. Dette ville ha vært problematisk hvis den man fulgte var hvem som helst, men de som blir fulgt er lærde som har dedikert hele livet sitt til Islam, og har lært Islam til en så høy grad som det menneskelig er mulig. Dette kan enklest illustreres med følgende eksempel:

En person går til en lege, hvor legen forteller at basert på de symptomene du har så har du et hjertefeil. Hvis den som gir diagnosen er en sykepleier, vil man ikke bry seg om diagnosen, fordi man vet at sykepleieren ikke har kunnskapen til å gi den diagnosen. Om det er en allmenne lege, vil man bli bekymret, men man vil kreve å bli sendt til en spesialist. Hvis en kardiolog sier det, som er kardiolog fordi han eller hun har en spesialist utdanning som krever flere år innenfor hjertemedisin, da vil man ikke spørre ”hva er beviset?”, men man tar diagnosen og spør ”hva skal jeg gjøre nå?”. Det samme ville man ha gjort om en sykepleier kom med diagnosen og sa: ”Kardiologen har sett på prøvene, og konklusjonen er....”

Dette er også hva en som følge de forskjellige lovskolene gjør: man går ikke til en lokal *Imam* som kanskje har studert i 6-7 år og får hans synspunkter, men man får synspunktene til lærde som *Imam* Shafi’i, *Imam* Malik, *Imam* Nawawi, *Imam* Nablusi osv, akkurat som sykepleieren som forteller hva karidiologen har sagt.

En annen aspekt av å få bevis er jo vår mangelfulle evne til å forstå bevisene. Mange tror at en konklusjon er basert på kun en *hadith* eller Quran vers, men det er svært sjelden det vil være tilfelle. Enhver konklusjon er basert på kanskje 20-30 forskjellige *hadith* og Quran vers, i tillegg til hva Sahaba, de tidligere generasjonene og lærde har sagt om dem, måtte Allah være tilfreds med dem alle. Det er derfor konklusjonen og svaret på et lite spørsmål ofte blir et svar på 50-100 sider.

Som en konklusjon bør det da nevnes at det er ikke ”å følge *taqleed* vs å følge Quran og Sunnah”, men heller at ”*Taqleed* ER å følge Quran og Sunnah”.

**Verdict on Taqleed (Adherence)**  
**(The necessity of Taqleed from the Shari' point of view)**  
**By a student of Darul Uloom, Holcombe, Bury, U.K.**

see also: [Taqleed \(Mufti Mahmud Hasan Gangohi\)](#)

## Introduction

**Question:** Some people say that Taqleed (Adherence to a madhab of an Imaam) is haraam in the Shari'ah. They insist that a true Muslim should only follow the Qur'aan and Sunnah, and they say that it is equivalent to shirk (polytheism) to follow an Imaam in matters of Shar'iah. They also claim that the Hanafi, Shaaf'i, Maliki and Hanbali schools were formed some two hundred years after the Holy Prophet *sallallahu alaihe wasallam*, therefore they are bid'ah (an innovation not approved in the Qur'an and Sunnah). They also stress that a Muslim should seek guidance directly from the Qur'an and Sunnah, and that no intervention of an Imaam is needed to practice upon the Shari'ah. Please explain to what extent this view is correct?

The answer to the above mentioned question follows and among the first things to be determined is what is Taqleed.

## Definition of Taqleed

**Literal:** Taqleed is a verbal noun of the root 'Qa' 'la' 'da' in the second form. The verb *Qalada* means to place, to gird or to adorn with a necklace. When used in conjunction with human beings, it refers to the wearing of a necklace, pendant or any other such similar ornament.

**Technical:** The acceptance of a statement of another without demanding proof or evidence on the belief that the statement is being made in accordance with fact and proof, is called Taqleed, or, for the purist, *Taqleed-ush-shakhsi*.

## Taqleed – A Qur'aanic Command

The basis for Taqleed is a Qur'aanic command.

*"And, ask the People of Knowledge if you do not know."*

Thus the general principle of Taqleed is enshrined in the Qur'aan Majeed. Denial of this principle is, therefore, an act of kufr which expels the denier from the fold of Islam.

## Daleel (proof) of Taqleed

Aswad bin Yazid narrates, "Mu'aath came to us in Yemen as a teacher and commander. We questioned him regarding a man who had died leaving (as his heirs) a brother and sister. He decreed half the estate for the daughter

and half for the sister. This was while the Rasulullah *sallallahu alaihe wasallam* was alive."

[Kitaabul Faraa-idh: Bukhari and Muslim Shareef]

It will be realised from this Hadith Shareef that Taqleed was in vogue during the time of the Prophet *sallallahu alaihe wasallam*. The questioner (in the Hadith) did not demand proof or basis for the decree. He accepted the ruling, relying on the integrity, piety and up-righteousness of Hazrat Mu,aath *radiyallahu anhu*. This is precisely Taqleed.

Secondly Rasulullah *sallallahu alaihe wasallam* did not criticise or reject the people of his age, who followed Hazrat Mu-aath *radiyallahu anhu*, nor has any rejection or difference on the issue been narrated by anyone else. The permissibility and validity of Taqleed are therefore evident, especially so because of it's prevalence in the glorious time of Rasulullah *sallallahu alaihe wasallam*.

This Hadith further furnishes proof for the concept of *Taqleed-us-Shakhsi*. Rasulullah *sallallahu alaihe wasallam* had appointed Hazrat Mu-aath *radiyallahu anhu* to provide religious instruction to the people of Yemen. It is, hence, evident and certain that Rasulullah *sallallahu alaihe wasallam* granted the people of Yemen the right and permission to refer to Hazrat Mu-aath *radiyallahu anhu* in all affairs of Deen.

Huthail bin Shurgbeel said, 'Abu Musa was questioned, then Ibn Mas'ud was questioned. Ibn Mas'ud was informed of Abu Musa's statement. Ibn Mas'ud differed with it. Thereafter Abu Musa was informed (of his difference). He then said: "Do not ask me as long as this Aalim of deen is among you."

It will be understood that Abu Musa *radiyallahu anhu* in directing the people towards Ibn Mas'ud *radiyallahu anhu* by his command, "Do not ask me as long as this Aalim of Deen is among you," was mandatory regarding all matters of Deen. This, in fact, is *Taqleed-us-Shakhsi* which means to refer every religious question to a particular Aalim because of some determining factor, and to act according to his verdict.

These Ahaadith indicate that '*Taqleed-us-Shakhsi*' is not a new concept which can be refuted. Its existence is from the very epoch of Khairul Qurun (the three eras adjacent to the age of Rasulullah *sallallahu alaihe wasallam* is an established fact).

### Taqleed in General

The faculty of Taqleed is inherently existent in us. If we had refrained from the Taqleed of our parents and teachers then today we would have been deprived of even the basic and preliminary needs of humanity. By nature man is endowed with the ability to imitate and follow others. If this was not the case, we would not have been able to learn our home language. If we had

refused to accept unquestioningly (without demanding proof) every command, beck and call of our teachers, then we would have been ignorant of even the alphabet of a language, let alone the study and writing of our books. Our whole life – every facet of it, eating, drinking, donning garments, walking, earning, etc., is connected with this very concept of Taqleed.

If the fundamentals and technical terminology of every branch of knowledge was not acquired on the basis of Taqleed, i.e. without questioning the authority of the masters, then the proficiency in such knowledge could not have been attained.

### The Necessity of Taqleed

There are two types of wujoob (compulsory nature of something) in jurisprudence: 1) *wujoob biz zaat* 2) *wujoob bil ghair*.

1) *Wujoob biz zaat* means compulsory in itself, for example the commission or omission brings about the compulsion, as the commission of salaah and the commission of polytheism etc.

2) *Wujoob bil ghair* – these are such acts which are not normally compulsory in themselves, but they constitute the basis for actions commanded in the Qur'aan and hadith and normally it is not possible to execute the commanded practises without also executing their basis. Therefore, *wujoob bil ghair* means compulsory by virtue of an external factor. It is from here we derived the universal rule, 'the basis of a wajib is also wajib' and this is the exact rule which governs the compulsory nature of Taqleed ush Shakhsi.

### Evils of Discarding Taqleed

It is established by observation and experience that in this age most people are governed by selfishness, baneful motives, lust, insincerity, mischief, strife, anarchy, opposition to the consensus of the Ahdul-Haq, and subjection of the Deen to desire. This is manifest and self-evident. The Ahadith on fitan (strife) have forewarned us of the rise of these baneful traits in man. The Ulama are well aware of this. It is for this reason (baneful traits) that in the absence of *Taqleed-us-Shakhsi*, great harm, mischief, disruption and corruption will reign in the Deen. One of the destructive evils which will raise its head in the absence of *Taqleed-us-Shakhsi* is self-appointed Mujtahids. Some persons will consider themselves to be Mujtahids and embark on the process of Qiyas (Shar'i analogical reasoning) and they will consider themselves to be of equal or greater rank than the illustrious Mujtahideen of the early ages of Islam. The previous Mujtahideen have reliably stated that some laws are *Mu'all'al* (based on certain causes). Citing this some modernists have claimed that the command of wudhu for salaah is *mu'all'al*, it being the consequence of the early Arabs being camel-herds and goatherds. Since their occupation of tending animals exposed them constantly to impurities, the command of wudhu was formulated. On this basis they claim that since people of the present time live in environments and occupations of greater hygienic conditions, wudhu is no longer

necessary for salaah. They conclude thus, the permissibility of salaah without wudhu.

Similarly, it is claimed (by such self-styled mujtahids) that the wujub of witnesses in the Nikah ceremony is mu'all'al, the need of witnesses being occasioned by the occurrence of a dispute which may arrive in the future. The presence of witnesses will facilitate the resolving of disputes between the contending marriage parties. On this basis they conclude that where there exists no danger of dispute, the Nikah will be valid without witnesses.

Another evil resulting from the discarding of Taqleed us Shukhsi is to practice in accordance if the esoteric (zahir) façade of certain Ahaadith whereas such a practice is certainly not lawful. Since the discarding of *Taqleed-us-Shakhsi* sees himself unchecked and unfettered he follows the dictates of his nafs. An example of this type of Hadith is as follows:

"Rasulullah *sallallahu alaihe wasallam* performed Zuhr and Asr together and Maghrib and Isha together without (the expediency) of fear and journey.

[Muslim Shareef]

At face value the Hadith indicates the permissibility of performing Zuhr and Asr as well as Maghrib and Isha even if there exists no valid reason for this practice.

But, without any doubt, the unification of salaah without reason is not held permissible by any authority. The correct meaning of the hadith is arrived at by ta'weel (interpretation) via the faculty of Ijtihad. Practice in accordance with the mere façade of the words used in such cases will result in an opposition to Ijma (consensus of the Ummat), and such conflict is Haraam.

The summary of what has been said is; *Taqleed-us-Shakhsi* is the basis for a wajib aspect (viz., acting in accordance with the commands of the Shariah) and the basis of a Wajib is also Wajib, hence *Taqleed-us-Shakhsi* is likewise Wajib.

One who has discarded Taqleed, even if he does not resort to Ijtihad himself, nor follows the meaning conveyed superficially by the words, will, in difficult Masa'il accept the verdict of any authority. He will at times follow one Imaam and at other, another. In this way he will sometimes practice in opposition to Ijma, and on occasions, even if the result is not in conflict with Ijma he will resort to the verdict which appeals to his whims and fancies and by means of which worldly motives are available. Thus, he will submit the Deen to the dictates of the nafs. We seek Allah's protection from such deviation.

**Taqleed Restricted To The Four Madhaa'hib**

There are numerous Mujtahideen. It may therefore be argued that Taqleed of any Mujtahid should suffice. What is the reason for restricting Taqleed to the

four Madhaa'hib?

It was realised from the exposition of the wujub of Taqleed that adoption of different verdicts leads to anarchy. It is therefore imperative to make Taqleed of a Madhab which has been so formulated and arranged in regard to principles (Usul) and details (Furu) that answers to all questions could be obtained either in specific form or in deducted form based on principles, thereby obviating the need to refer to an external source. This all-embracing quality by an act of Allah Ta'aala is found existing in only the four Madhaa'hib. It is therefore imperative to adopt one of the four Madhaa'hib'. This has been the accepted practice coming down the ages from the early times in an unbroken chain of transmission, from generation to generation.

The emphasis on this aspect of Taqleed is so profound that certain Ulama have restricted the *Ahle-Sunnah wal jama* within the confines of the four Madhaa'hib.

### A Baseless Question

The anti-Taqleed lobby attempts to hoodwink unwary Muslims by asking the question: " Did the Madh'hab exist during the time of Rasulullah *sallallahu alaihe wasallam* and the Sahaabah?

In response it could be asked: Did Bukhari Shareef exist in the time of Rasulullah *sallallahu alaihe wasallam*. Did the Qur'aan (in the form we have it) exist during the time of Rasulullah *sallallahu alaihe wasallam*? If they respond by saying "Yes", then we to shall retort that the Madh'hab did exist in the time of Rasulullah *sallallahu alaihe wasallam*.

In fact, this very question posed by deviants', exhibits either their gross ignorance or their deliberate to hoodwink the unwary. If the madhab did not exist during the time of Rasulullah *sallallahu alaihe wasallam* and the Sahaabah, the logical conclusion is that the entire Shar'iah which the illustrious Imaam have expounded is not the Shar'iah taught Rasulullah *sallallahu alaihe wasallam* and the Sahaabah. But, this is absurd and preposterous.

The madhab of all the teaching of the Madhabs are in fact the teachings of the Qur'aan and the Sunnah. Nothing in the Madhabs conflicts with the Qur'aan and Hadith. The different ways methods of Ibaadat, etc., which the Madhabs are applying, are the ways and methods of the Sahaabah which they had acquired from Rasulullah *sallallahu alaihe wasallam*. The differences were inherited from the Sahaabah and such differences are by Divine Decree, hence Rasulullah *sallallahu alaihe wasallam* said:

"The differences of my Ummat is a Rahmat".

Whether anyone understands this fact that, '*Rahmat*' (Mercy) is emanating out of the authoritative differences of the Fuqahah of the Ummat is of no substance. The fact that Rasulullah *sallallahu alaihe wasallam* proclaimed

such differences to be the effects of Allah's mercy is sufficient. Thus, there is nothing detestable in the differences prevailing among the Madhabs. These valid and authentic differences do not bring about disunity, as is stupidly asserted by the modernist deviants'. The ignorance of people and their desires are the causes of disunity.

While the terms, Hanafi, Shaaf'i, etc. did not exist in the time of Rasulullah *sallallahu alaihe wasallam* and the Sahaabah, the teachings of these Madhabs, all had existed. While Bukhari Shareef did not exist, the Ahaadith contained in the book did exist. It is, therefore, stupid to pose the question of the Madhabs during the time of Rasulullah *sallallahu alaihe wasallam*. There is unity in this diversity. Deen is the product of *wahi*, not the result of man's desires. Since the hawa (desire) cannot find free-play within the chains of Taqleed the aim of the deviates is to refute the concept of Taqleed. But, breaking the chains of Taqleed is to enchain oneself with the shackles of the nafs.

**Why Is It Necessary To Make Taqleed Of Only One Imaan (*Taqleed-us-Shakhsi*).**

The question arises, Why is it necessary to follow one Imaam only? What is wrong if one mas'ala is taken from one Imaam and another from another Imaam, as was done in the time of the Sahaabah *radiyallahu anhum* and Tabe'ien. In those times the whole Madhab was not confined to one person. The answer is that in those times good was prevalent. Generally the lowly desires did not have any matters in the matters of Deen. Whoever used to refer to any of his elders regarding any mas'ala, used to do so sincerely and he also used to act upon the verdict given to him whether it be to his benefit and desires or not. Later sincerity to that degree and piety did not remain amongst the people. Such urge was present in people to ask one Aalim a mas'ala, if it did not suit them, then they referred that mas'ala to another Aalim until they found a verdict that suited their desires. Gradually, for every mas'ala they had the urge to look for a suitable reply. It is obvious that such people are not seeking the truth. Sometimes the consequences is very serious, e.g. a person in the state of wudhu touches his wife. A person following the Shaaf'i madhab tells him that "Your wudhu is broken, therefore remake your wudhu". He replies "No, I am a muqalid of Imaam Abu Hanifa *Rahmatullahi alaihe*; according to him this does not cause the wudhu to break. I can read salaah with the wudhu. Then the person vomits a mouthful, a person following the Hanafi madhab advises him to make wudhu as his wudhu has broken, according to Imaam Abu Hanifa *Rahmatullahi alaihe*; this person replies that I am making Taqleed of Imaam Sha'fi *Rahmatullahi alaihe*, (in this mas'ala) and according to Imaam Shaaf'i *Rahmatullahi alaihe* vomiting does not cause the wudhu to break. A person can read salaah with such a wudhu. If this person reads his salaah with this wudhu then his salaah will not be valid according to Imaam Sha'fi *Rahmatullahi alaihe* and not according to Imaam Abu Hanifa *Rahmatullahi alaihe*. This is called *talfeeq* and there is *ijma* and consensus of opinion that *talfeeq* is *ba'til* and impermissible. In reality by doing this a person does not make taqleed of

Imaam Shaaf'i *Rahmatullahi alaihe* or Imaam Abu Hanifa *Rahmatullahi alaihe*, but he is following his desires, and the Shariah has prohibited us from following our desires. Its result is going astray from the path of Allah Taa'la.

Allah Taa'la says in Surah Hud Ayaat 26:

'And do not follow your desires (in future too) for it will lead you astray from the path of Allah.'

Therefore it is Necessary to make Taqleed of one Imaam only.

It is for this reason that the Qur'aan-e-Kareem has commended adherence towards Allah (repeatedly). Allah Ta'aala says:

"And follow the way of that person that person who turns towards me."

Generally someone feels according to his strong presumption that Imaam Abu Hanifa *Rahmatullahi alaihe* is most probably correct and *munib* (has the quality of ibaadat), that is, his Ijtihad conforms more with the Qur'aan and Hadith. That is why he has opted to make Taqleed of Imaam Abu Hanifa *Rahmatullahi alaihe*. Another person has this strong feeling that Imaam Maalik *Rahmatullahi alaihe* ijtihaad conforms with the Qur'aan and Hadith, therefore, he makes Taqleed of Imaam Maalik *Rahmatullahi alaihe*. Someone has this feeling regarding Imaam Shaaf'i *Rahmatullahi alaihe* ijtihaad, that is why he makes Imaam Shaaf'i *Rahmatullahi alaihe* taqleed and someone for this very reason makes taqleed of Imaam Ahmed bin Hanbal *Rahmatullahi alaihe*.

**Talfeeq And Changing Madhabs Is Not Permissible**

It is not permissible to leave taqleed made upon one Imaam and follow another Imaam when one wishes. When this is done without permission from the Shariah it leads to talfeeq, it also causes one to follow one's desires resulting in going far away from the truth and being led astray.

**Madhab Of The Convert.**

What is the hukm (law) for a convert to Islam or for one who wishes to switch from his state of non-taqleed to taqleed? Which Madhab does he have to follow?

If such a person lives in a place where a particular Madhab is dominant, then he should follow the Madhab by virtue of its dominance. If he happens to be in a place where several madhaa'hib are in operation on a more or less equivalent basis, then he will be free to choose any Madhab acceptable to him. However, once the choice is made he will be obliged to remain steadfast on the Madhab of his choice.

In cases where it is difficult to act in accordance with one's Madhab due to a dearth of Ulama of one's Madhab; moreover for the one who is not an Aalim,

it will be permissible, in fact compulsory, to adopt the Madhab which happens to be predominant in the place where one happens to be. For a person in such circumstances *Taqleed-us-Shakhsi* of his former Madhab will not be compulsory. He will be obliged to choose from the four madhaaib the madhab which is dominant in his particular circumstance. However, such cases are rare. The general rule in force is the wujub of *Taqleed-us-Shakhsi*.

### The Disease Of Admut-Taqleed

Admut-taqleed (abandonment of taqleed) is a disease spread by Shaitaan. Shaitaan's plot is always to destroy the Deen and the best and the most effective way to achieve this evil aim is to negate the concept of taqleed. The Sunnah is inextricably interwoven into the fabric of taqleed. Once a man abandons taqleed of the Madhabs he is left with no guidance other than the deviation of his nafs. While he pretends to possess the ability to formulate the Shari'ah directly from the Qur'aan and Hadith, he can venture no further than picking and choosing from the various opinions and rulings of the illustrious Imaams. In so doing, he follows the base desires of his nafs.

Once the authority of the *Aimmah-e-Mujtahideen* has been shrugged off, the Muslim is cut off from his Imaani moorings. He will then drift in the ocean of deception and desire which shaitaan has prepared for him. Admut-taqleed is thus a fatal spiritual disease which can lead to the destruction of one's Imaan.

### The Sunnah

In the present time the *Ahlus Sunnah Wal Jama'ah* is confined to the four Madhabs. Whoever searches for the path of the Sunnah beyond the confines of the four Madhabs will deviate in to Baa'til. Since every teaching of the four Madhabs is the Qur'aan and the Sunnah, deviation therefrom is to deviate from the Sunnah. Those who deviate from the Sunnah are destined for Jahannum according to the explicit pronouncement of Rasulullah *sallallahu alaihe wasallam* who said:

"Bani Israael split into seventy-two sects. My Ummat will split into seventy-three sects. All of which, save one, will be in the fire"

When he was asked regarding the sects which will be saved from the fire Rasulullah *sallallahu alaihe wasallam* said:

"That path on which I and my Sahaabah are."

Salvation (Najaat) in the hereafter (Aakhirah) therefore depends on donning the mantle of Taqleed. We should strive to ensure our safety from the ingeniously subtle designs of Shaitaan to drag us with him into eternal punishment.

# Taqleed

By  
Faqeehul Ummah  
Hazrat Mufti Mahmood Hasan Gangohi Sahib  
*Rahmatullahi Alaihe*

see also:

Obedience to the Messenger ﷺ  
The Link Between Shari'at (Religious Law) and Tariqat (Spiritual Observance)  
The Nature of Tasawwuf  
Prescribed Preliminary Practices (As instructed in the Youth Tarbiyyah Conference for those  
having undertaken Bai-at [Bayah- Allegiance]))

## PUBLISHERS NOTE

Some unacquainted people regard taqleed as apostasy and they spread an atmosphere of malice and controversy amongst the Muslims and especially in the youngsters. Some Non Muqallid go as far as writing about it as polytheism. Hence, after one of our Deeni brothers read it out from a book in English and drew our attention towards it, a desire grew in my heart to make our youngsters aware of the significance of Taqleed in the Shari'ah. So that they do not become a prey to misunderstanding, divergence and confusion and so that they do not have a misconception regarding our Imams, that they had adopted a path which was detached from the Qur'aan and Ahadeeth. When in reality, after understanding the objective and the meaning of the Qur'aan and Sunnah, they simplified it into the form of Fiqha and Masa'il and then they offered it to the Ummah, which is in actual fact obeying the Qur'aan and Sunnah. For this reason, the Ummah owes a debt of gratitude to them, (May Allah reward them with the best of all rewards).

Therefore, concerning this, I found that the answers of Faqeehul-Ummah, Hazarat Sheikh, Sayyidi wa Murshidi, Mufti Mahmood Hasan, Gangohi rahmatullahi alaihe in Fatawa-e-Mahmoodia Vol.1, regarding the significance of Taqleed in the Shari'ah, to be sufficient and adequate.

I brought it to the attention of respected Molvi Mohammad Asad rahmatullahi alaihe, to render the English translation. Maasha-Allah, he translated it into English in a very short period of time with great care and effort. May Allah bless him with barakah in his knowledge and deeds and may he accept this current composition and make it beneficial for us and a treasure for us in the hereafter, Aameen.  
(Mufti) Moosa bin Ahmad Badat (sahib)  
Batley, U.K/  
26, Safar 1420 A.H

In The Name Of Allah, Most Beneficent Most Merciful

## QUESTION

What is the significance of Taqleed in Shari'ah and if Taqleed is important then why is the Taqleed of an individual considered so important? What is the harm in following one particular Imam for a certain mas'alah then following another Imam regarding something else? Why do the Ulama prevent this, even when the masaalik of all the **four Imams** are accepted?

## ANSWER

The original source of guidance is the **Qur'aan** but generally it is the fundamental principles and Masa'il which are integrate precepts, stated in the Qur'aan. It was the duty of the Prophet ﷺ to explain in full the details and particulars: 'To make clear the issues that were sent to the people.'

### EXAMPLE NO.1

It is stated in the Qur'aan: 'Establish Salaah.' The full details concerning salaah are related to us by the Prophet ﷺ for instance, how many rakaats there are in each salaah? after which rakaat should qa'dah be performed? In which rakaat is only Surah Fatiha read and in which rakaat is an additional Surah read? In which salaah is qira'at done loudly and when is it done quietly? etc. It is difficult to understand all this directly from the Qur'aan.

### EXAMPLE NO. 2

It is stated in the Qur'aan: 'Pay Zakaah.' All the details on how the Zakaah is calculated on silver, gold, goats, cows, camels etc. have been found in the Ahadeeth. The Qur'aan has not mentioned anything in regard to this.

### EXAMPLE NO.3

It is stated in the Qur'aan: 'And pilgrimage to the house is a duty unto Allah for mankind, for those who can.' The details on how tawaaf should be done and how many rounds there are in one tawaaf, the Masa'il of Arafat, Mina, Muzdalifah and rami etc, have all been explained by the prophet ﷺ.

To understand the Qur'aan, it is firstly important to acquire the intelligence of Ahadeeth. It is impossible to understand the Qur'aan whilst neglecting Ahadeeth. The Ummah has been commanded to derive guidance from the Qur'aan under the explained instructions of the Prophet ﷺ. In this respect, the obedience of the Prophet ﷺ means the obedience of Allah: 'Whoever so obeys the Prophet ? has indeed obeyed Allah.'

Therefore it is mentioned in the Ahadeeth 'Perform salaah in the manner that you have seen me perform.'

(Bukhari Sharif Vol.2 pg.1076).

The Prophet ﷺ did not say, pray the way you understand from the Qur'aan.

### DIFFERENT TYPES OF AHADEETH

Some things were mentioned verbally by the Prophet ﷺ himself, they are called 'Hadith-e-Qawli'. Some things were shown practically, which are known as 'Hadith-e-Fe'li' and there are those things which were done in front of the Prophet ﷺ or were brought to his attention but he did not reject or deny them, instead he preferred to remain silent, which supports their confirmation. This is called 'Taqrer'. These three types of Ahadeeth are a source of guidance for the Ummah.

### QIYAS

There are also some things which the Prophet ﷺ was asked. He answered, then he set a question for the same person, knowing that the answer was quiet apparent and that he would know it. After

the person replied, the Prophet ﷺ explained that the question you asked falls under the same ruling as this.

### EXAMPLE

Somebody inquired that since Hajj is due upon my mother, would it be sufficient if I were to perform it on her behalf? The Prophet ﷺ replied in the affirmative. Then he asked the same person that if she took a loan from somebody and you paid it off, would it be acceptable or not? He replied that yes it would be acceptable. The Prophet ﷺ then said that paying off the loan of Allah would more readily be acceptable.

It has been narrated from Hazarat Abdullah ibn Abbas ؓ that a woman came to the Prophet ﷺ (and said): *"My mother vowed to go for Hajj, but she died before she could go. Therefore can I perform Hajj on her behalf?"* The Prophet ﷺ replied, *"Yes you can perform Hajj on her behalf. Tell me, "If your mother had debts, would you have paid them off?"* She answered, *"Yes"* The Prophet ﷺ said, *"Fulfill Allah's right, for Allah is more worthy that his right be fulfilled."*

**Bukhari Sharif Volume 2 pg.1088**

In Shari'ah this is known as Qiyas, Ijtihad, Istinbaat and I'tibaar. Teachings of this nature are substantiated from the Prophet ﷺ. Its conditions and details can be found in the books of Usool. It is needed when a Mas'alah cannot be clearly understood from the Qur'aan and Ahadeeth.

The Prophet ﷺ sent Hazarat Mu'aaz ibn Jabal ؓ as a Qadhi to Yemen. He gave him a lot of counselling and went a long way with him to bid him farewell. He also asked him "According to which law will you make your judgements?" He replied, "According to the Qur'aan." The Prophet ﷺ then inquired. "What if you do not find it in the Qur'aan?" He answered, "Then according to the Sunnah of Rasoolullah?" Then he asked, "What will you do if you do not find it in the Sunnah either?" He replied, "I will do Ijtihad." The Prophet ﷺ showed signs of happiness and was in full support of this decision and he thanked Allah for this selection.

When the Prophet ﷺ decided to send Hazarat Mu'aaz ؓ to Yemen, he asked him, "How will you make a ruling when a case is brought to you?" He replied, "I will rule according to the Qur'aan." The Prophet ﷺ then inquired, "What, if you do not find it in the Qur'aan?" He answered, "Then according to the Sunnah of Rasoolullah ؐ, He then asked, "What will you do if you do not find it in either the Sunnah of Rasoolullah ؐ or in the kitabullah?" Hazarat Mu'aaz ؓ said, "I will do, Ijtihad by my opinion and will not leave any deficiency in it." The Prophet ﷺ then struck his hand on the chest of Hazarat Mu'aaz ؓ and said, "All praise is for Allah who gave the Rasool of Rasoolullah ؐ the ability of that with which the Rasool of Allah ﷻ is pleased with."

### IJTIHAAD

When a mas'alah cannot be clearly found in the Qur'aan and Ahadeeth, the analogies and evidences have to be considered to find out its decree. This is known as Ijtihad and Qiyas, as can be

understood from the afore mentioned. If this is agreed upon, it is called Ijma'a. That is why the Ulama of Usool have written that Qiyas does not establish the decree, but it just makes it evident.

A ruling which existed in the Qur'aan or Ahadeeth, but was not quite apparent for the common people to understand, a Mujtahid having done Qiyas on its analogies or by analysing evidently, implicitly or by way of necessity, would make it evident. Imam Bukhari rahmatullahi alaihe has compiled a specific chapter regarding this.

## TAQLEED

Whoever does not have the capability of Ijtihad, following a Mujtahid becomes compulsory for him. This is known as Taqleed.

This is why Hazarat Mu'aaz  was sent as a Qadhi, so that the Masa'il and rulings he derives from the Qur'aan, Ahadeeth and Ijtihad would be implemented. Following these three would in fact mean obeying the Prophet .

It has been narrated from Hazarat Abu Hurraira  that the Prophet  said "Whoever obeyed me has indeed obeyed Allah and whoever disobeyed me has indeed disobeyed Allah," or he said, "Whoever obeyed the Ameer has indeed obeyed me and whoever disobeyed the Ameer has indeed disobeyed me."

## THE TYPES OF MASA'IL

There are two different types of masa'il. Firstly, those that have been mentioned in the `Nas` (Qur'aan or Ahadeeth). Secondly, those which have not been mentioned in the Qur'aan or Ahadeeth.

There are two forms of the first type. The first form is that the Nas will only be ruling in the positive or only in the negative. The second form is that there are two types of *Nas* regarding the same Mas'alah. In some we need a ruling in the positive and in others in the negative. For example, from some we find out about *Ameen-bil-Jahr* and from some we find out about *Ameen-bis-sir*. Some inform us about *Raf'ul-yadaayn*, whilst others tell us about *Tark-ul-rafa*.

There is also two types of these Masa'il as well. One is when historic evidence or other circumstances indicate that one Nas has preference over the other. The other type is, when it is not known which Nas has preference over the other and which comes first and which comes second. In total these are of four types;

**FIRST;** Those Masa'il which only have one type of Nas. No Qiyas or Ijtihad will be done, neither will there be Taqleed of anybody. Instead the Nas will be acted upon.

**SECOND:** Those masa'il which have two types of Nas and it is also known which comes first and which comes second. Generally, the first one will be abrogated, while the second one will be acted upon. There is no need for Qiyas, Ijtihad or Taqleed in this type either.

**THIRD:** Those masa'il where there are two types of Nas and it is not known which comes first and which comes second.

**FOURTH:** Those masa'il regarding which there is no Nas at all.

These last two types will be under one of the two situations. Either a person is acting upon it or he is not acting upon it and wondering around freely. Well, there is no permission for this. 'What does man think that he will be left in vain? 'So do you think that we have created you for play?' This is not the case, you have to obey our commands in every aspect. Well, what is he then going to act upon? In the third type, which Nas does he act upon? If he acts upon one, the other gets left out. He cannot appoint a Nas on his own behalf. He does not have the knowledge of which Nas came first and which second, so that he could cancel the first and act upon the second. In the fourth type, there is no Nas at all. So without knowledge what is he going to act upon?

Allah says in the Qur'aan, 'Do not act upon anything without knowledge and research.' This leaves no choice but to do Ijtihad. It is necessary in the third type because one of the Nas has to be appointed to be acted upon, and in the fourth type because the ruling has to be found.

This is also quite obvious that not everybody has the capability and capacity to do Ijtihad and Istinbaat. This verse of the Qur'aan makes this clear as well. Allah says: 'If they had referred it to the Messenger and to those who have authority amongst them, the proper investigators would have known it from them (direct).'

Anybody can claim to make a decision, regardless of its being right or wrong, but only he will be called a Mustanbit and Mujtahid, whose Istinbaat is in accordance to the shari'ah. If it is not, then he will be known as a Muqallid. Hence it is important for a Mujtahid to do Ijtihad in these two types and as for the Muqallid, it is important for him to do Taqleed. Even if the Mujtahid makes an error, he will not be deprived of reward and if his Ijtihad is correct then he will be entitled to double reward. Likewise it has come in [Bukhari Sharif Vol 2 pg.1092](#)

## A DOUBT

Why is the Taqleed of the four Imams ([Imam Abu Hanifa](#), [Imam Malik](#), [Imam Shafi'ee](#), [Imam Ahmad](#) rahmatullahi alaihim) done, even though there were many Mujtahideen amongst the [Sahabah](#) ﷺ, Tabi'een and the Tab'i-Tabi'een? What is the harm in doing Taqleed of anybody else, especially those Sahabah whose virtues have been mentioned profusely in many Ahadeeth.

## ANSWER

The answer to this is that indeed the Sahabah ﷺ have a higher status than the four Imams. The reason for doing Taqleed of the four Imams is not because they are thought to be greater than the Sahabah ﷺ, but when doing Taqleed it is important to acknowledge the masa'il in which Taqleed is done.

Today, there are vast amounts of details and explanations present about the masa'il, compiled and collected in the Mazahib of the four Imams, from *Kita-but-Taharah* to *Kitabul-Fra'idh*, including Ibadah, Dealings etc. In short each and every Mas'alah in all the fields and spheres has been collected. These type of detailed and compiled Mazahib cannot be found from the Sahabah, Tabi'een or the Tab'i-Tabi'een. So if one was to do Taqleed of anybody apart from the four Imams, then how would he do it? This is why Taqleed of the four Imams alone, has been chosen.

Allah bestowed upon the four Imams the knowledge of the Qur'aan and Ahadeeth in depths and the complete skills of Istinbaat to this extent that they had access to all the Ahadeeth of the

Prophet ﷺ, which proliferated throughout the world by the Sahabah ﷺ. It is possible that there might have been a narration that one of them knew about but the other did not, but there could not possibly be a narration that none of them knew about.

Hazrat Shah Waliullah Muhadith Dehivi rahmatullahi alaihe has written in Sharhul- Mu'at-ta, (page 6) about the spreading and circulation of Ahadeeth and about Madina Tayiba, being the headquarters of knowledge. He writes:

'These four Imams are such that their knowledge has encompassed the whole world and those four Imams are [Imam Abu Hanifa](#) (rahmatullahi alaihe), [Imam Malik](#) (rahmatullahi alaihe), [Imam Shafi'ee](#) (rahmatullahi alaihe) and [Imam Ahmad](#) (rahmatullahi alaihe)'

## QUESTION

Why is it important to do Taqleed of only one Imam? What harm is there in following one Imam for one mas'alah, then another Imam for some other mas'alah, the way it was in the time of the Sahabah and the Tabi'een. They were not dependent on one individual in following the whole Mazhab.

## ANSWER

In the time of the Sahabah, virtue and prosperity had the upper hand and generally there was no part in deen for fulfilling personal desires. That is why when someone inquired about a Mas'alah, he asked with a good intention and he would act upon it as well, regardless of whether he liked it or not.

In later times, this was not the case. Instead, people started having the urge to ask one mas'alah from a certain Alim and if the answer was against their desires, they would walk off to another Alim in search of ease. Still not content with this, they were stricken with a growing concern about how they could find a way out in every Mas'alah which would satisfy them. It is apparent that this can not be the motive for the search of truth.

Sometimes this can cause a lot of damage. For example, a person made wudhu then touched his wife. Somebody following the Mazhab of Imam Shafi'ee (rahmatullahi alaihe) said to him "Repeat your wudhu because touching your wife breaks the wud-hu." He replies, "I do Taqleed of Imam Abu Hanifa (rahmatullahi alaihe) and wudhu does not break in his opinion of this situation." Then this person vomits. Somebody following the Mazhab of Imam Abu Hanifa (rahmatullahi alaihe) says to him, 'Repeat your wudhu because vomit breaks the wudhu in the opinion of Imam Abu Hanifa (rahmatullahi alaihe).' He replies, "I am following the Mazhab of Imam Shafi'ee (rahmatullahi alaihe) and in his view, wudhu does not break by vomiting." Now, this persons salaah is not valid in accordance with the Mazhab of Imam Abu Hanifa (rahmatullahi alaihe) or Imam Shafi'ee (rahmatullahi alaihe) This is known as Talfeeq which is void and not permissible, by unanimous decision.

Following in this manner is in actual fact doing Taqleed of neither of the Imams. Instead it is fulfilling personal desires, which is forbidden in the Shari'ah. It leads a person astray and away from the path of Allah. Allah says in the Qur'aan, 'And do not follow your personal desires, for they will lead you astray from the path of Allah.'

**(Bayanul-Qur'aan)**

This is why it is important to do Taqleed of only one Imaam. The Qur'aan has associated obedience with repentance, 'And follow the path of he who turns towards me,'

**(Bayanul-Qur'aan)**

On this basis, any individual who had strong presumption about Imam Abu Hanifa (rahmatullahi alaihe), that he was [repentant](#), correct and that his Ijtihad was in accordance with the Qur'aan and Ahadeeth, he chose to do his Taqleed. Anybody who had the same thought regarding Imam Shafi'ee (rahmatullahi alaihe), Imam Malik (rahmatullahi alaihe) or about Imam Ahmad (rahmatullahi

alaihi), he started doing his Taqleed. Now, this is incorrect to leave one's own Imam whenever a person feels and start following a different Mazhab, because without permission of the Shari'ah it becomes Talfeeq and fulfilment of personal desires. In result of which a person is lead astray.

Hence, Molana Mohammad Hussain Sahib has written in his compilation Ishaah'atus-Sunnah Vol 11 No.2 pg.53. After opposing Taqleed for a very long period of time and then becoming affected with bitter experience for not doing Taqleed, he writes, "We found out from 25 years of experience that those people who abstain from entire Mujtahids and Taqleed, they end up saying farewell to Islam. Some become Christians whilst others end up without any Mazhab at all. Rebellion and disobedience of the Shari 'ah is a petty result of this freedom."

**(Sabeelur-Rashaad pg.12)**

This is why those learned Ulama who have deep insight of the Qur'aan and countless treasures of the traditions of the Prophet ﷺ and the Sahabah, in front of their eyes. Whose hearts are enriched with the fear of Allah and whose lives are enlightened with the lamp of the Sunnah of the Prophet ﷺ, still choose to do Taqleed, despite having these qualities and virtues.

It would not be an exaggeration if it was said that these Ulama reached such a status only through following the Prophet ﷺ and doing Taqleed of the pious servants of Deen and the great Mujtahideen.

## **WAS SHAH WALIULLAH A MUQALLID?**

### **QUESTION**

What do the Ulama and the Muftis say about the following Mas'alah. Was Shah Waliullah a Muqallid or not? If he was a Muqallid then what was his Maslak? Here some people say he was not a Muqallid. Please give reference from some authentic source.

### **ANSWER**

Hazrat Shah Waliullah Sahib (rahmatullahi alaihe) was enriched with the treasures of a vast amount of knowledge, deep concerns, high morals, righteous behaviour, purified mind, cleansed heart, strong connection and true saintliness. Whenever any doubts arised, instantly it was solved through Nabawi Ruhanyat as if all the traditions were in front of him. He was well aware of the Mazahib and had full experience of the Imams of Ijtihad regarding the principles of Istinbaat and the derivation of masa' il. He was well versed in the science of collaboration between two traditions and was a Hafiz of Naasikh and Mansookh etc.

Considering all this, he did not have the need to do Taqleed but the Prophet ﷺ compelled him to do so. There were other thing as well apart from Taqleed which he was forced to do against the urge of his nature. Hence he writes.

**(Fuyuzul-Haramain pg.65)**

He passed away in 1176 A.H. and it was the same year that he taught Bukhari Sharif for the last time. He wrote the Sanad out for Molvi Cheraagh Sahib with his pen, which still exists in Khudaa Baksh Library in Patnaa along with the Bukhari Sharif itself. On the Sanad he wrote 'Hanafi' with his name. It has also got Hazrat Shah Rafi-ud-deen's certification on it, to prove that it was written by his father, along with Shah Alam's stamp of confirmation as well. From this we can tell that he stayed a Hanafi till the end. Nobody has the authority to say that he became a Ghair Muqallid.

Of course he used to collect them according to his capability and discuss the strength and weakness of the proofs, which might have left doubts in some people.

## WHAT SHOULD A MUQALLID DO IF THERE IS A HADITH CONTRADICTING THE SAYING OF AN IMAM?

### QUESTION

What do the Ulama and the Muftis say about this mas'alah. If in the opinion of Imam A'zam (rahmatullahi alaihe) something is regarded as unlawful and there is a Sahih Hadith contradicting Imam Sahibs (rahmatullahi alaihe) opinion. The narrators are approximately more than four in number and they are all reliable. They all narrate exactly the same proof from the Prophet ﷺ and the Hadith is also in Bukhari Sharif. So in this situation what do you say about an individual who rejects Imam Sahibs opinion and follows the Hadith.

### ANSWER

It can be possible that there is a Hadith in Bukhari Sharif against the mas'alah stated by Imam A'zam (rahmatullahi alaihe), but this can never be possible that Imam Sahib (rahmatullahi alaihe) has stated a Mas'alah without any evidence. At least think about this that even in the view of Imam Sahib, it is not permissible to do Qiyas when there is a Sahih Hadith in existence. Then saying that Imam Sahibs opinion is merely just a Qiyas, which is against the Hadith, is completely incorrect and against the principles of Imam Sahib and it is also slanderous.

An opinion is decided upon, first by finding out the cause of a certain masalah (Illah) which can be found in the Nas. So that those Masa'il which have no Nas, but have the same cause, can be ruled the same as the ones which have a Nas. The benefit of this is that the decree of the Nas becomes more general. Imam Bukhari rahmatullahi alaihe has also confirmed this in his Bukhari Sha-rif.

Hence, in whichever mas'alah there is already a Nas, the Qiyas and opinion of Imam A'zam rahmatullahi alaihe has no part to play. Instead the Nas will be acted upon. Some short sighted people just pick up one Hadith and start saying that Imam A'zam's rahmatullahi alaihe's certain opinion is against this Hadith. This is because of their ignorance or enmity.

Sahih Bukhari, collectively has been given preference, but that does not mean that each and every Hadith of Bukhari Sharif has priority over each and every Hadith of the other books of Ahadeeth. It can be possible that some Ahadeeth in other books have been given preference over Bukhari Sharif, upon which Imam A'zam's rahmatullahi alaihe opinion is based. Sheikh ibn Hamaam rahmatullahi alaihe has discussed this in *Fath-hul-Qa deer*.

It has been stated in *Umdatul-Qari Sharhul-Bukhari* Vol 8 pg.51:  
*Imam Bukhari's rahmatullahi alaihe claim, that all the Ahadeeth are Sahih, is not worth attention because definite evidence is needed to make an entire claim.*

Therefore, declaring that Imam A'zam's rahmatullahi alaihe view is against Hadith and merely is an opinion, is itself a declaration without any evidence. It contradicts the evidence itself, which originates from lack of knowledge or enmity.

## TAQLEED FOR A MUHAQIQ ALIM AND CHANGING FROM ONE MAZHAR TO ANOTHER

## QUESTION NO. 1

What is the meaning of Taqleed in the terminology of the Fuqahaa ?

## ANSWER NO.1

A person who can be trusted that his ruling will be in accordance with the evidence. Accepting his word and not asking him for proof is Taqleed, (Likewise it has been mentioned in *Aqdul-Jayyid*)

## QUESTION NO.2

In reality, is it accepted by the Ulama that a person who is a Mujtahid himself cannot do Taqleed of anybody else, with the understanding of,

## ANSWER NO.2

The preferred ruling is that, it is permissible for a Mujtahid to do Taqleed of another Mujtahid because Ijtihad is fractional. (Likewise is has been explained in *Shami*)

## QUESTION NO.3

If a person does not hold the status of a Mujtahid, but he is an Alim of the Qur'aan and Sunnah and not only does he have deep knowledge of Sunnan-e-Nabawia, but he also understands the detailed fihi masa'il of the different Mazahib and knows which should be given preference. What is the ruling of his doing Taqleed of the Imams of the different Mazahib?

Is it important for him to stay connected with one Mazhab all the time and under no circumstances can he follow a different Mazhab, even though it may be regarding the same mas'alah? Or is it alright to take all the evidence of the different Mazahib into consideration and then act upon the one that is more closer to Qur'aan and Ahadeeth.

## ANSWER NO.3

When he is not capable of doing Ijtihad although he might have deep knowledge, it is still important for him to do Taqleed of an individual. It is not right for him to follow another mazhab on the basis of his own opinion. Talfeeq is Bil-Ijma'a void and not permissible. (Likewise it has been stated in *Dur-rul-Mukhtar*)

Whilst being deprived of Ijtihad, making a statement about a mas'ala that it is in accordance with the Qur'aan and Sunnah, is beyond his status.

## QUESTION NO.4

For instance, if somebody has started to follow one Mazhab, can he totally or partly follow another Mazhab later on or does he always have to stay with the first Mazhab?

## ANSWER NO.4

If the trust, on the basis of which a person starts to do Taqleed of an Imam, starts to expire from one Imam, due to vast knowledge and deep understanding, then it is permissible to change Imam's totally and not partly. Or else, Talfeeq will come into existence which is not permissible. (Likewise it has been stated in *Hamwee*)

## QUESTION NO.5

'A person who does not have any knowledge of Qur'aan and Sunnah, he is one of the common folk. What is the ruling for such a person to move from one Mazhab to another Mazhab ?

## ANSWER NO.5

This is not permitted. It is fulfilling the desires and it becomes a play. *Aqdul-Jayyid, Insaaf, Sabeelur-Rashaad, Al-Iqtisaad, Intisaarul-Haq, Tayseer and At-Taqreer wat-Tahbeer*, have all stated the detailed evidence regard-ing this issue.

## IS IT AGAINST TAQLEED FOR A HANAFI TO FOLLOW SOMEBODY ELSE 'S VIEW?

### QUESTION

What is the definition of Taqleed? Will a person still remain a Hanafi if he acts upon Imam Abu Yusuf's rahmatullahi alaihe view or Imam Zufar's rahmatullahi alaihe. Also will he still remain a Hanafi if he acts upon the opinion of Imam Shafi'ee rahmatullahi alaihe or Imam Malik rahmatullahi alaihe at the time of need (for example the mas'alah of Mafqood).

### ANSWER

For a Non Mujtahid to follow a Mujtahid, trusting him that he has the proof and evidence for it and he does not ask him for the evidence, is known as Taqleed.

The principle of Imam A' zam rahmatullahi alaihe which his students have described in de-tails and from which other masa'il are derived, whether these masa'il are directly from Imam Sahib rahmatullahi alaihe or not, a person who adopts them remains a 'Hanafi'. The views of Imam Sahibs students are in actual fact Imam Sahibs views, regardless of whether they are directly or indirectly from Imam Sahib. Therefore, acting upon them on special occasions does not expel an individual from Hanafiyah.

Sometimes, because of changes in occurrences and incidents, the ruling changed in a way that the scholars of the later era understood that if Imam Sahib rahmatullahi alaihe was still alive today, he would have made a certain ruling in a particular mas'alah. Therefore, they decided upon that ruling, regardless of whether that was the view of Imam Shafi'ee rahmatullahi alaihe or an opinion of any other Imam.

These type of changes, like the excellence of Hajj, nafl and Sadaqah etc., can be found in the time of Imam Sahib rahmatullahi alaihe himself. Hence, this does not cause any changes in Hanafiyah. Details can be found in *Uqood Rasmul Mufti Ii Ibn Abideen*.

# Why Muslims Follow Madhhabs

**The work of the mujtahid Imams of Sacred Law**, those who deduce shari‘a rulings from Qur’an and hadith, has been the object of my research for some years now, during which I have sometimes heard the question: "Who needs the Imams of Sacred Law when we have the Qur’an and hadith? Why can’t we take our Islam from the word of Allah and His Messenger (Allah bless him and give him peace), which are divinely protected from error, instead of taking it from the madhhabs or "schools of jurisprudence" of the mujtahid Imams such as Abu Hanifa, Malik, Shafi‘i, and Ahmad, which are not?"

It cannot be hidden from any of you how urgent this issue is, or that many of the disagreements we see and hear in our mosques these days are due to lack of knowledge of fiqh or "Islamic jurisprudence" and its relation to Islam as a whole. Now, perhaps more than ever before, it is time for us to get back to basics and ask ourselves how we understand and carry out the commands of Allah.

We will first discuss the knowledge of Islam that all of us possess, and then show where fiqh enters into it. We will look at the qualifications mentioned in the Qur’an and sunna for those who do fiqh, the mujtahid scholars. We will focus first on the extent of the mujtahid scholar’s knowledge—how many hadiths he has to know, and so on—and then we will look at the depth of his knowledge, through actual examples of dalils or "legal proofs" that demonstrate how scholars join between different and even contradictory hadiths to produce a unified and consistent legal ruling.

We will close by discussing the mujtahid’s relation to the science of hadith authentication, and the conditions by which a scholar knows that a given hadith is sahih or "rigorously authenticated," so that he can accept and follow it.

**Qur’an and Hadith.** The knowledge that you and I take from the Qur’an and the hadith is of several types: the first and most important concerns our faith, and is the knowledge of Allah and His attributes, and the other basic tenets of Islamic belief such as the messengerhood of the Prophet (Allah bless him and give him peace), the Last Day, and so on. Every Muslim can and must acquire this knowledge from the Book of Allah and the sunna.

This is also the case with a second type of general knowledge, which does not concern faith, however, but rather works: the general laws of Islam to do good, to avoid evil, to perform the prayer, pay zakat, fast Ramadan, to cooperate with others in good works, and so forth. Anyone can learn and understand these general rules, which summarize the sirat al-mustaqim or "straight path" of our religion.

**Fiqh.** A third type of knowledge is of the specific details of Islamic practice. Whereas anyone can understand the first two types of knowledge from the Qur’an and hadith, the understanding of this third type has a special name, fiqh, meaning literally "understanding." And people differ in their capacity to do it.

I had a visitor one day in Jordan, for example, who, when we talked about why he hadn’t yet gone on hajj, mentioned the hadith of Anas ibn Malik that

the Messenger of Allah (Allah bless him and give him peace) said, "Whoever prays the dawn prayer (fajr) in a group and then sits and does dhikr until the sun rises, then prays two rak'as, shall have the like of the reward of a hajj and an 'umra." Anas said, "The Prophet (Allah bless him and give him peace) said: 'Completely, completely, completely'" (Tirmidhi, 2.481).

My visitor had done just that this very morning, and he now believed that he had fulfilled his obligation to perform the hajj, and had no need to go to Mecca. The hadith was well authenticated (hasan). I distinguished for my visitor between having the reward of something, and lifting the obligation of Islam by actually doing it, and he saw my point.

But there is a larger lesson here, that while the Qur'an and the sunna are ma'sum or "divinely protected from error," the understanding of them is not. And someone who derives rulings from the Qur'an and hadith without training in ijihad or "deduction from primary texts" as my visitor did, will be responsible for it on the Day of Judgment, just as an amateur doctor who had never been to medical school would be responsible if he performed an operation and somebody died under his knife.

Why? Because Allah has explained in the Qur'an that fiqh, the detailed understanding of the divine command, requires specially trained members of the Muslim community to learn and teach it. Allah says in surat al-Tawba:

"Not all of the believers should go to fight. Of every section of them, why does not one part alone go forth, that the rest may gain understanding of the religion, and to admonish their people when they return, that perhaps they may take warning" (Qur'an 9:122)

—where the expression li yatafaqqahu fi al-din, "to gain understanding of the religion," is derived from precisely the same root (f-q-h) as the word fiqh or "jurisprudence," and is what Western students of Arabic would call a "fifth-form verb" (tafa'ala), which indicates that the meaning contained in the root, understanding, is accomplished through careful, sustained effort.

This Qur'anic verse establishes that there should be a category of people who have learned the religion so as to be qualified in turn to teach it. And Allah has commanded those who do not know a ruling in Sacred Law to ask those who do, by saying in surat al-Nahl,

"Ask those who recall if you know not" (Qur'an 16:43),

in which the words "those who recall," ahl al-dhikri, indicate those with knowledge of the Qur'an and sunna, at their forefront the mujtahid Imams of this Umma. Why? Because, first of all, the Qur'an and hadith are in Arabic, and as a translator, I can assure you that it is not just any Arabic.

To understand the Qur'an and sunna, the mujtahid must have complete knowledge of the Arabic language in the same capacity as the early Arabs themselves had before the language came to be used by non-native speakers. This qualification, which almost no one in our time has, is not the main subject of my essay, but even if we did have it, what if you or I, though not trained specialists, wanted to deduce details of Islamic practice directly

from the sources? After all, the Prophet (Allah bless him and give him peace) has said, in the hadith of Bukhari and Muslim: "When a judge gives judgement and strives to know a ruling (ijtihad) and is correct, he has two rewards. If he gives judgement and strives to know a ruling, but is wrong, he has one reward" (Bukhari, 9.133).

The answer is that the term *ijtihad* or "striving to know a ruling" in this hadith does not mean just any person's efforts to understand and operationalize an Islamic ruling, but rather the person with sound knowledge of everything the Prophet (Allah bless him and give him peace) taught that relates to the question. Whoever makes *ijtihad* without this qualification is a criminal. The proof of this is the hadith that the Companion Jabir ibn 'Abdullah said:

We went on a journey, and a stone struck one of us and opened a gash in his head. When he later had a wet-dream in his sleep, he then asked his companions, "Do you find any dispensation for me to perform dry ablution (*tayammum*)?" [Meaning instead of a full purificatory bath (*ghusl*).] They told him, "We don't find any dispensation for you if you can use water."

So he performed the purificatory bath and his wound opened and he died. When we came to the Prophet (Allah bless him and give him peace), he was told of this and he said: "They have killed him, may Allah kill them. Why did they not ask?—for they didn't know. The only cure for someone who does not know what to say is to ask" (Abu Dawud, 1.93).

This hadith, which was related by Abu Dawud, is well authenticated (*hasan*), and every Muslim who has any *taqwa* should reflect on it carefully, for the Prophet (Allah bless him and give him peace) indicated in it—in the strongest language possible—that to judge on a rule of Islam on the basis of insufficient knowledge is a crime. And like it is the well authenticated hadith "Whoever is given a legal opinion (*fatwa*) without knowledge, his sin is but upon the person who gave him the opinion" (Abu Dawud, 3.321).

The Prophet (Allah bless him and give him peace) also said:

Judges are three: two of them in hell, and one in paradise. A man who knows the truth and judges accordingly, he shall go to paradise. A man who judges for people while ignorant, he shall go to hell. And a man who knows the truth but rules unjustly, he shall go to hell (Sharh al-sunna, 10.94).

This hadith, which was related by Abu Dawud, Tirmidhi, Ibn Majah, and others, is rigorously authenticated (*sahih*), and any Muslim who would like to avoid the hellfire should soberly consider the fate of whoever, in the words of the Prophet (Allah bless him and give him peace), "judges for people while ignorant."

Yet we all have our Yusuf 'Ali Qur'ans, and our Sahih al-Bukhari translations. Aren't these adequate scholarly resources?

These are valuable books, and do convey perhaps the largest and most important part of our *din*: the basic Islamic beliefs, and general laws of the religion. Our discussion here is not about these broad principles, but rather about understanding specific details of Islamic practice, which is called precisely *fiqh*. For this, I think any honest investigator who studies the issues will agree that the English translations are not enough. They are not enough

because understanding the total Qur'an and hadith textual corpus, which comprises what we call the *din*, requires two dimensions in a scholar: a dimension of breadth, the substantive knowledge of all the texts; and a dimension of depth, the methodological tools needed to join between all the Qur'anic verses and hadiths, even those that ostensibly contradict one another.

**Knowledge of Primary Texts.** As for the breadth of a mujtahid's knowledge, it is recorded that Imam Ahmad ibn Hanbal's student Muhammad ibn 'Ubaydullah ibn al-Munadi

heard a man ask him [Imam Ahmad]: "When a man has memorized 100,000 hadiths, is he a scholar of Sacred Law, a *faqih*?" And he said, "No." The man asked, "200,000 then?" And he said, "No." The man asked, "Then 300,000?" And he said, "No." The man asked, "400,000?" And Ahmad gestured with his hand to signify "about that many" (Ibn al-Qayyim: *I'lam al-muwaqqi'in*, 4.205).

In truth, by the term "hadith" here Imam Ahmad meant the hadiths of the Prophet (Allah bless him and give him peace) in all their various chains of transmission, counting each chain of transmission as a separate hadith, and perhaps also counting the statements of the Sahaba. But the larger point here is that even if we eliminate the different chains, and speak only about the hadiths from the Prophet (Allah bless him and give him peace) that are plainly acceptable as evidence, whether *sahih*, "rigorously authenticated" or *hasan* "well authenticated" (which for purposes of *ijtihad*, may be assimilated to the *sahih*), we are still speaking of well over 10,000 hadiths, and they are not contained in Bukhari alone, or in Bukhari and Muslim alone, nor yet in any six books, or even in any nine. Yet whoever wants to give a *fatwa* or "formal legal opinion" and judge for people that something is lawful or unlawful, obligatory or *sunna*, must know all the primary texts that relate to it. For the perhaps 10,000 hadiths that are *sahih* are, for the mujtahid, as one single hadith, and he must first know them in order to join between them to explain the unified command of Allah.

I say "join between" because most of you must be aware that some *sahih* hadiths seem to controvert other equally *sahih* hadiths. What does a mujtahid do in such an instance?

**Ijtihad.** Let's look at some examples. Most of us know the hadiths about fasting on the Day of 'Arafa for the non-pilgrim, that "it expiates [the sins of] the year before and the year after" (Muslim, 2.819). But another rigorously authenticated hadith prohibits fasting on Friday alone (Bukhari, 3.54), and a well authenticated hadith prohibits fasting on Saturday alone (Tirmidhi, 3.120), of which Tirmidhi explains, "The meaning of the 'offensiveness' in this is when a man singles out Saturday to fast on, since the Jews venerate Saturdays" (*ibid.*). Some scholars hold Sundays offensive to fast on for the same reason, that they are venerated by non-Muslims. (Other hadiths permit fasting one of these days together with the day before or the day after it, perhaps because no religion venerates two of the days in a row.) The question arises: What does one do when 'Arafa falls on a Friday, a Saturday, or a Sunday? The general demand for fasting on the Day of 'Arafa might well be qualified by the specific prohibition of fasting on just one of these days. But a mujtahid aware of the whole hadith corpus would certainly know a third hadith related by Muslim that is even more specific, and says: "Do not single out Friday from among other days to fast on, unless it coincides with a fast one of you performs" (Muslim, 2.801).

The latter hadith establishes for the mujtahid the general principle that the ruling for fasting on a day normally prohibited to fast on changes when it "coincides with a fast one of you performs"—and so there is no problem with fasting whether the Day of Arafah falls on a Friday, Saturday, or Sunday.

Here as elsewhere, whoever wants to understand the ruling of doing something in Islam must know all the texts connected with it. Because as ordinary Muslims, you and I are not only responsible for obeying the Qur'anic verses and hadiths we are familiar with. We are responsible for obeying all of them, the whole shari'a. And if we are not personally qualified to join between all of its texts—and we have heard Ahmad ibn Hanbal discuss how much knowledge this takes—we must follow someone who can, which is why Allah tells us, "Ask those who recall if you know not."

The size and nature of this knowledge necessitate that the non-specialist use adab or "proper respect" towards the scholars of fiqh when he finds a hadith, whether in Bukhari or elsewhere, that ostensibly contradicts the schools of fiqh. A non-scholar, for example, reading through Sahih al-Bukhari will find the hadith that the Prophet (Allah bless him and give him peace) bared a thigh on the ride back from Khaybar (Bukhari, 1.103–4). And he might imagine that the four madhhabs or "legal schools"—Hanafi, Maliki, Shafi'i, and Hanbali—were mistaken in their judgment that the thigh is 'awra or "nakedness that must be covered."

But in fact there are a number of other hadiths, all of them well authenticated (hasan) or rigorously authenticated (sahih) that prove that the Prophet (Allah bless him and give him peace) explicitly commanded various Sahaba to cover the thigh because it was nakedness. Hakim reports that the Prophet (Allah bless him and give him peace) saw Jarhad in the mosque wearing a mantle, and his thigh became uncovered, so the Prophet told him, "The thigh is part of one's nakedness" (al-Mustadrak), of which Hakim said, "This is a hadith whose chain of transmission is rigorously authenticated (sahih)," which Imam Dhahabi confirmed (ibid.). Imam al-Baghawi records the sahih hadith that "the Prophet (Allah bless him and give him peace) passed by Ma'mar, whose two thighs were exposed, and told him, 'O Ma'mar, cover your two thighs, for the two thighs are nakedness'" (Sharh al-sunna 9.21). And Ahmad ibn Hanbal records that the Prophet (Allah bless him and give him peace) said, "When one of you marries [someone to] his servant or hired man, let him not look at his nakedness, for what is below his navel to his two knees is nakedness" (Ahmad, 2.187), a hadith with a well authenticated (hasan) chain of transmission. The mujtahid Imams of the four schools knew these hadiths, and joined between them and the Khaybar hadith in Bukhari by the methodological principle that: "An explicit command in words from the Prophet (Allah bless him and give him peace) is given precedence over an action of his." Why?

Among other reasons, because certain laws of the shari'a applied to the Prophet alone (Allah bless him and give him peace). Such as the fact that when he went into battle, he was not permitted to retreat, no matter how outnumbered. Or such as the obligatoriness for him alone of praying tahajjud or "night vigil prayer" after rising from sleep before dawn, which is merely sunna for the rest of us. Or such as the permissibility for him alone of not breaking his fast at night between fast-days. Or such as the permissibility for him alone of having more than four wives—the means through which Allah, in His wisdom, preserved for us the minutest details of the Prophet's day-to-day sunna (Allah bless him and give him

peace), which a larger number of wives would be far abler to observe and remember.

Because certain laws of the shari‘a applied to him alone, the scholars of ijtiḥad have established the principle that in many cases, when an act was done by the Prophet personally (Allah bless him and give him peace), such as bearing the thigh after Khaybar, and when he gave an explicit command to us to do something else, in this case, to cover the thigh because it is nakedness, then the command is adopted for us, and the act is considered to pertain to him alone (Allah bless him and give him peace).

We can see from this example the kind of scholarship it takes to seriously comprehend the whole body of ḥadith, both in breadth of knowledge, and depth of interpretive understanding or fiqh, and that anyone who would give a fatwa, on the basis of the Khaybar ḥadith in Sahih al-Bukhari, that "the scholars are wrong and the ḥadith is right" would be guilty of criminal negligence for his ignorance.

When one does not have substantive knowledge of the Qur’an and ḥadith corpus, and lacks the fiqh methodology to comprehensively join between it, the ḥadiths one has read are not enough. To take another example, there is a well authenticated (ḥasan) ḥadith that "the Prophet (Allah bless him and give him peace) cursed women who visit graves" (Tirmidhi, 3.371). But scholars say that the prohibition of women visiting graves was abrogated (mansukḥ) by the rigorously authenticated (ṣahih) ḥadith "I had forbidden you to visit graves, but now visit them" (Muslim, 2.672).

Here, although the expression "now visit them" (fa zuruha) is an imperative to men (or to a group of whom at least some are men), the fact that the ḥadith permits women as well as men to now visit graves is shown by another ḥadith related by Muslim in his Sahih that when ‘A’isha asked the Prophet (Allah bless him and give him peace) what she should say if she visited graves, he told her, "Say: ‘Peace be upon the believers and Muslims of the folk of these abodes: May Allah have mercy on those of us who have gone ahead and those who have stayed behind: Allah willing, we shall certainly be joining you’" (Muslim, 2.671), which plainly entails the permissibility of her visiting graves in order to say this, for the Prophet (Allah bless him and give him peace) would never have taught her these words if visiting the graves to say them had been disobedience. In other words, knowing all these ḥadiths, together with the methodological principle of naskḥ or "abrogation," is essential to drawing the valid fiqh conclusion that the first ḥadith in which "the Prophet (Allah bless him and give him peace) cursed women who visit graves"—was abrogated by the second ḥadith, as is attested to by the third.

Or consider the Qur’anic text in surat al-Ma’ida:

"The food of those who have been given the Book is lawful for you, and your food is lawful for them" (Qur’an 5:5).

This is a general ruling ostensibly pertaining to all their food. Yet this ruling is subject to takhsis, or "restriction" by more specific rulings that prove that certain foods of Ahl al-Kitab, "those who have been given the Book," such as pork, or animals not properly slaughtered, are not lawful for us.

Ignorance of this principle of takhsis or restriction seems to be especially common among

would-be mujtahids of our times, from whom we often hear the more general ruling in the words "But the Qur'an says," or "But the hadith says," without any mention of the more particular ruling from a different hadith or Qur'anic verse that restricts it. The reply can only be "Yes, brother, the Qur'an does say, 'The food of those who have been given the Book is lawful for you,' But what else does it say?" or "Yes, the hadith in Sahih al-Bukhari says the Prophet (Allah bless him and give him peace) bared his thigh on the return from Khaybar. But what else do the hadiths say, and more importantly, are you sure you know it?"

The above examples illustrate only a few of the methodological rules needed by the mujtahid to understand and operationalize Islam by joining between all the evidence. Firstly, we saw the principle of takhsis or "restriction" of general rules by more specific ones, both in the example of fasting on the Day of 'Arafa when it falls on a Friday, Saturday, or Sunday, and the example of the food of Ahl al-Kitab. Secondly, in the Khaybar hadith in Sahih al-Bukhari about baring the thigh and the hadiths commanding that the thigh be covered, we saw the principle of how an explicit prophetic command in words is given precedence over a mere action when there is a contradiction. Thirdly, we saw the principle of nasikh wa mansukh, of "an earlier ruling being abrogated by a later one," in the example of the initial prohibition of women visiting graves, and their subsequently being permitted to.

These are only three of the ways that two or more texts of the Qur'an and hadith may enter into and qualify one another, rules that someone who derives the shari'a from them must know. In other words, they are but three tools of a whole methodological toolbox. We do not have the time tonight to go through all these tools in detail, although we can mention some in passing, giving first their Arabic names, such as:

- The 'amm, a text of general applicability to many legal rulings, and its opposite:
- The khass, that which is applicable to only one ruling or type of ruling.
- The mujmal, that which requires other texts to be fully understood, and its opposite:
- The mubayyan, that which is plain without other texts.
- The mutlaq, that which is applicable without restriction, and its opposite:
- The muqayyad, that which has restrictions given in other texts.
- The nasikh, that which supersedes previous revealed rulings, and its opposite:
- The mansukh: that which is superseded.
- The nass: that which unequivocally decides a particular legal question, and its opposite:
- The dhahir: that which can bear more than one interpretation.

My point in mentioning what a mujtahid is, what fiqh is, and the types of texts that embody Allah's commands, with the examples that illustrate them, is to answer our original

question: "Why can't we take our Islamic practice from the word of Allah and His messenger, which are divinely protected, instead of taking it from mujtahid Imams, who are not?" The answer, we have seen, is that revelation cannot be acted upon without understanding, and understanding requires firstly that one have the breadth of mastery of the whole, and secondly, the knowledge of how the parts relate to each other. Whoever joins between these two dimensions of the revelation is taking his Islamic practice from the word of Allah and His messenger, whether he does so personally, by being a mujtahid Imam, or whether by a means of another, by following one.

Following Scholars (Taqlid). The Qur'an clearly distinguishes between these two levels—the nonspecialists whose way is taqlid or "following the results of scholar without knowing the detailed evidence"; and those whose task is to know and evaluate the evidence—by Allah Most High saying in surat al-Nisa':

"If they had referred it to the Messenger and to those of authority among them, then those of them whose task it is to find it out would have known the matter" (Qur'an 4:83)

—where *alladhina yastanbitunahu minhum*, "those of them whose task it is to find it out," refers to those possessing the capacity to infer legal rulings directly from evidence, which is called in Arabic precisely *istinbat*, showing, as Qur'anic exegete al-Razi says, that "Allah has commanded those morally responsible to refer actual facts to someone who can infer (*yastanbitu*) the legal ruling concerning them" (Tafsir al-Fakhr al-Razi, 10.205).

A person who has reached this level can and indeed must draw his inferences directly from evidence, and may not merely follow another scholar's conclusions without examining the evidence (*taqlid*), a rule expressed in books of methodological principles of *fiqh* as: *Laysa li al-'alim an yuqallida*, "The alim [i.e. the mujtahid at the level of *istinbat* referred to by the above Qur'anic verse] may not merely follow another scholar" (al-Juwayni: *Sharh al-Waraqat*, 75), meaning it is not legally permissible for one mujtahid to follow another mujtahid unless he knows and agrees with his evidences.

The mujtahid Imams trained a number of scholars who were at this level. Imam Shafi'i had al-Muzani, and Imam Abu Hanifa had Abu Yusuf and Muhammad ibn al-Hasan al-Shaybani. It was to such students that Abu Hanifa addressed his words: "It is unlawful for whoever does not know my evidence to give my position as a fatwa" (al-Hamid: *Luzum ittiba' madhahib al-a'imma*, 6), and, "It is not lawful for anyone to give our position as a fatwa until he knows where we have taken it from" (*ibid.*).

It is one of the howlers of our times that these words are sometimes quoted as though they were addressed to ordinary Muslims. If it were unlawful for the carpenter, the sailor, the computer programmer, the doctor, to do any act of worship before he had mastered the entire textual corpus of the Qur'an and thousands of hadiths, together with all the methodological principles needed to weigh the evidence and comprehensively join between it, he would either have to give up his profession or give up his religion. A lifetime of study would hardly be enough for this, a fact that Abu Hanifa knew better than anyone else, and it was to scholars of *istinbat*, the mujtahids, that he addressed his remarks. Whoever quotes these words to non-scholars to try to suggest that Abu Hanifa meant that it is wrong for ordinary Muslims to accept the work of scholars, should stop for a moment to reflect how insane this is, particularly in view of the life work of Abu Hanifa from beginning to end,

which consisted precisely in summarizing the fiqh rulings of the religion for ordinary people to follow and benefit from.

Imam Shafi‘i was also addressing this top level of scholars when he said: "When a hadith is sahih, it is my school (madhhab)"—which has been misunderstood by some to mean that if one finds a hadith, for example, in Sahih al-Bukhari that is inconsistent with a position of Shafi‘i's, one should presume that he was ignorant of it, drop the fiqh, and accept the hadith.

I think the examples we have heard tonight of joining between several hadiths for a single ruling are too clear to misunderstand Shafi‘i in this way. Shafi‘i is referring to hadiths that he was previously unaware of and that mujtahid scholars know him to have been unaware of when he gave a particular ruling. And this, as Imam Nawawi has said, "is very difficult," for Shafi‘i was aware of a great deal. We have heard the opinion of Shafi‘i's student Ahmad ibn Hanbal about how many hadiths a faqih must know, and he unquestionably considered Shafi‘i to be such a scholar, for Shafi‘i was his sheikh in fiqh. Ibn Khuzayma, known as "the Imam of Imams" in hadith memorization, was once asked, "Do you know of any rigorously authenticated (sahih) hadith that Shafi‘i did not place in his books?" And he said "No" (Nawawi: al-Majmu‘, 1.10). And Imam Dhahabi has said, "Shafi‘i did not make a single mistake about a hadith" (Ibn Subki: Tabaqat al-Shafi‘iyya, 9.114). It is clear from all of this that Imam Shafi‘i's statement "When a hadith is sahih, it is my position" only makes sense—and could result in meaningful corrections—if addressed to scholars at a level of hadith mastery comparable to his own.

**Hadith Authentication.** The last point raises another issue that few people are aware of today, and I shall devote the final part of my speech to it. Just as the mujtahid Imam is not like us in his command of the Qur’an and hadith evidence and the principles needed to join between it and infer rulings from it, so too he is not like us in the way he judges the authenticity of hadiths. If a person who is not a hadith specialist needs to rate a hadith, he will usually want to know if it appears, for example, in Sahih al-Bukhari, or Sahih Muslim, or if some hadith scholar has declared it to be sahih or hasan. A mujtahid does not do this.

Rather, he reaches an independent judgment as to whether a particular hadith is truly from the Prophet (Allah bless him and give him peace) through his own knowledge of hadith narrators and the sciences of hadith, and not from taqlid or "following the opinion of another hadith scholar."

It is thus not necessarily an evidence against the positions of a mujtahid that Bukhari, or Muslim, or whoever, has accepted a hadith that contradicts the mujtahid’s evidence. Why? Because among hadith scholars, the reliability rating of individual narrators in hadith chains of transmission are disagreed about and therefore hadiths are disagreed about in the same manner that particular questions of fiqh are disagreed about among the scholars of fiqh. Like the schools of fiqh, the extent of this disagreement is relatively small in relation to the whole, but one should remember that it does exist.

Because a mujtahid scholar is not bound to accept another scholar’s ijthihad regarding a particular hadith, the ijthihad of a hadith specialist of our own time that, for example, a hadith is weak (da‘if), is not necessarily an evidence against the ijthihad of a previous mujtahid that the hadith is acceptable. This is particularly true in the present day, when specialists in hadith are not at the level of their predecessors in either knowledge of hadith

sciences, or memorization of hadiths.

We should also remember what *sahih* means. I shall conclude my essay with the five conditions that have to be met for a hadith to be considered *sahih*, and we shall see, in sha' Allah, how the scholars of hadith have differed about them, a discussion drawn in its outlines from contemporary Syrian hadith scholar Muhammad 'Awwama's *Athar al-hadith al-sharif fi ikhtilaf al-A'imma al-fuqaha* [The effect of hadith on the differences of the Imams of fiqh] (21–23):

(a) The first condition is that a hadith must go back to the Prophet (Allah bless him and give him peace) by a continuous chain of narrators. There is a difference of opinion here between Bukhari and Muslim, in that Bukhari held that for any two adjacent narrators in a chain of transmission, it must be historically established that the two actually met, whereas Muslim and others stipulated only that their meeting have been possible, such as by one having lived in a particular city that the other is known to have visited at least once in his life. So some hadiths will be acceptable to Muslim that will not be acceptable to Bukhari and those of the mujtahid imams who adopt his criterion.

(b) The second condition for a *sahih* hadith is that the narrators be morally upright. The scholars have disagreed about the definition of this, some accepting that it is enough that a narrator be a Muslim who is not proven to have been unacceptable. Others stipulate that he be outwardly established as having been morally upright, while other scholars stipulate that this be established inwardly as well. These different criteria are naturally reasons why two mujtahids may differ about the authenticity of a single hadith.

(c) The third condition is that the narrators must be known to have had accurate memories. The verification of this is similarly subject to some disagreement between the Imams of hadith, resulting in differences about reliability ratings of particular narrators, and therefore of particular hadiths.

(d) The fourth condition for a *sahih* hadith is that the text and transmission of the hadith must be free of *shudhudh*, or "variance from established standard narrations of it." An example is when a hadith is related by five different narrators who are contemporaries of one another, all of whom relate the same hadith from the same sheikh through his chain of transmission back to the Prophet (Allah bless him and give him peace). Here, if we find that four of the hadiths have the same wording but one of them has a variant wording, the hadith with the variant wording is called *shadhdh* or "deviant," and it is not accepted, because the difference is naturally assumed to be the mistake of the one narrator, since all of the narrators heard the hadith from the same sheikh.

There is a hadith (to take an example researched by our hadith teacher, sheikh Shu'ayb al-Arna'ut) related by Ahmad (4.318), Bayhaqi (2.132), Ibn Khuzayma (1.354), and Ibn Hibban, with a reliable chain of narrators (*thiqat*)—except for Kulayb ibn Hisham, who is a merely "acceptable" (*saduq*), not "reliable" (*thiqa*)—that the Companion Wa'il ibn Hujr al-Hadrami said that when he watched the Prophet (Allah bless him and give him peace) kneeling in the *Tashahhud* or "Testification of Faith" of his prayer, the Prophet

lifted his [index] finger, and I saw him move it, supplicating with it. I came [some time] after that and saw people in [winter] over-cloaks, their hands moving under the cloaks (Ibn

Hibban, 5.170–71).

Now, all of the versions of the hadith mentioning that the Prophet (Allah bless him and give him peace) moved his finger have been related to us by way of Za'ida ibn Qudama al-Thaqafi, a narrator who is considered reliable, and who transmitted it from the hadith sheikh 'Asim ibn Kulayb, who related it from his father Kulayb ibn Shihab, from Wa'il ibn Hujr al-Hadrami. But we find that this version of "moving the finger" contradicts versions of the hadith transmitted from the same sheikh, 'Asim ibn Kulayb, by no less than ten of 'Asim's other students, all of them reliable, who heard 'Asim report that the Prophet (Allah bless him and give him peace) did not move but rather pointed (ashara) with his index finger (towards the qibla or "direction of prayer").

These companions of 'Asim (with their hadiths, which are well authenticated (hasan)) are: Sufyan al-Thawri: "then he pointed with his index finger, putting the thumb to the middle finger to make a ring with them" (al-Musannaf 2.68–69); Sufyan ibn 'Uyayna: "he joined his thumb and middle finger to make a ring, and pointed with his index finger" (Ahmad, 4.318); Shu'ba ibn al-Hajjaj: "he pointed with his index finger, and formed a ring with the middle one" (Ahmad, 4.319); Qays ibn al-Rabi': "then he joined his thumb and middle finger to make a ring, and pointed with his index finger" (Tabarani, 22.33–34); 'Abd al-Wahid ibn Ziyad al-'Abdi: "he made a ring with a finger, and pointed with his index finger" (Ahmad, 4.316); 'Abdullah ibn Idris al-Awdi: "he had joined his thumb and middle finger to make a ring, and raised the finger between them to make du'a (supplication) in the Testification of Faith" (Ibn Majah, 1.295); Zuhayr ibn Mu'awiya: "and I saw him ['Asim] say, 'Like this,'—and Zuhayr pointed with his first index finger, holding two fingers in, and made a ring with his thumb and second index [middle] finger" (Ahmad, 4.318–19); Abu al-Ahwas Sallam ibn Sulaym: "he began making du'a like this—meaning with his index finger, pointing with it—" (Musnad al-Tayalisi, 137); Bishr ibn al-Mufaddal: "and I saw him ['Asim] say, 'Like this,'—and Bishr joined his thumb and middle finger to make a ring, and pointed with his index finger" (Abi Dawud, 1.251); and Khalid ibn Abdullah al-Wasiti: "then he joined his thumb and middle finger to make a ring, and pointed with his index finger" (Bayhaqi, 2.131).

All of these narrators are reliable (thiqat), and all heard 'Asim ibn Kulayb relate that the Prophet (Allah bless him and give him peace) "pointed with (ashara bi) his index finger" during the Testimony of Faith in his prayer. There are many other narrations of "pointing with the index finger" transmitted through sheikhs other than 'Asim, omitted here for brevity—four of them, for example, in Sahih Muslim, 1.408–9). The point is, for illustrating the meaning of a shadhhdh or "deviant hadith," that the version of moving the finger was conveyed only by Za'ida ibn Qudama from 'Asim. Ibn Khuzayma says: "There is not a single hadith containing yuharrikuha ('he moved it') except this hadith mentioned by Za'ida" (Ibn Khuzayma, 1.354).

So we know that the Prophet (Allah bless him and give him peace) used to point with his index finger, and that the version of "moving his finger" is shadhhdh or "deviant," and represents a slip of the narrator, for the word ishara in the majority's version means only "to point or gesture at," or "to indicate with the hand," and has no recorded lexical sense of wiggling or shaking the finger (Lisan al-'Arab, 4.437 and al-Qamus al-muhit (540). This interpretation is explicitly borne out by well authenticated hadiths related from the Companion Abdullah ibn al-Zubayr that "the Prophet (Allah bless him and give him peace)

used to point with his index finger when making supplication [in the Testification of Faith], and did not move it" (Abi Dawud, 1.260) and that he "used to point with his index finger when making supplication, without moving it" (Bayhaqi, 2.131–32).

Finally, we may note that Imam Bayhaqi has joined between the Za'ida ibn Qudama hadith and the many hadiths that apparently contradict it by suggesting that moving the finger in the Za'ida hadith may mean simply lifting it (*rafa'a*), a wording explicitly mentioned in one version recorded by Muslim that the Prophet (Allah bless him and give him peace) "raised the right finger that is next to the thumb, and supplicated with it" (Muslim, 1.408). So according to Bayhaqi, the contradiction is only apparent, and raising the finger is the "movement" that Wa'il saw from the Prophet (Allah bless him and give him peace) and the people's hands under their cloaks, according to Za'ida's version, which remains, however, *shadh* or "deviant" from a hadith point of view, unless understood in this limited sense.

(e) The fifth and final condition for a *sahih* hadith is that both the text and chain of transmission must be without *'illa* or "hidden flaw" that alerts experts to expect inauthenticity in it. We will dwell for a moment on this point not only because it helps illustrate the processes of *ijtihadh*, but because in-depth expertise in this condition was not common even among top hadith Imams. The greatest name in the field was 'Ali al-Madini, one of the sheikhs of Bukhari, though his major work about it is now unfortunately lost. Daraqutni is perhaps the most famous specialist in the field whose works exist. In the words of Ibn al-Salah, a *hafiz* or "hadith master" (someone with at least 100,000 hadiths by memory), the knowledge of the *'illa* or "hidden flaw" is:

among the greatest of the sciences of hadith, the most exacting, and highest: only scholars of great memorization, hadith expertise, and penetrating understanding have a thorough knowledge of it. It refers to obscure, hidden flaws that vitiate hadiths, "flawed" meaning that a defect is discovered that negates the authenticity of a hadith that is outwardly "rigorously authenticated" (*sahih*). It affects hadiths with reliable chains of narrators that outwardly appear to fulfill all the conditions of a *sahih* hadith (*'Ulum al-hadith*).

It may surprise some people to learn that one example often cited in hadith textbooks of such a hidden flaw (*'illa*) is from *Sahih Muslim*, all of whose hadiths are rigorously authenticated (*sahih*), as Ibn al-Salah has said, "except for a very small number of words, which hadith masters of textual evaluation (*naqd*) such as Daraqutni and others have critiqued, and which are known to scholars of this level" (*'Ulum al-hadith*). The hadith of the present example was related by Muslim from the Companion Anas ibn Malik in several versions, which might convince those unaware of its flaw to believe that someone at prayer should omit the Basmala or "Bismi Llahi r-Rahmani r-Rahim" at the beginning of the *Fatiha*. According to the hadith, Anas ibn Malik (Allah be well pleased with him) said,

I prayed with the Messenger of Allah (Allah bless him and give him peace), Abu Bakr, 'Umar, and 'Uthman, and they opened with "al-Hamdu li Llahi Rabbi l-'Alamin," not mentioning "Bismi Llahi r-Rahmani r-Rahim" at the first of the recital or the last of it [and in another version, "I didn't hear any of them recite 'Bismi Llahi r-Rahmani r-Rahim'"] (Muslim, 1.299).

Scholars say the hadith's flaw lies in the negation of the Basmala at the end, which is not the words of Anas, but rather one of the subnarrators explaining what he thought Anas

meant. Ibn al-Salah says: "Its subnarrator related it with the above-mentioned wording in accordance with his own understanding of it" (Muqaddima Ibn al-Salah (b01), 99). This hadith is given as an example of a "hidden flaw" in a number of manuals of hadith terminology such as hadith master (hafiz) Suyuti's *Tadrib al-rawi* (1.254–57); hadith master Ibn al-Salah's *Ulum al-hadith*; hadith master Zayn al-Din al-'Iraqi's *al-Taqyid wa al-idah* (98–103); and others. Al-'Iraqi says, "A number of hadith masters (huffaz) have judged it to be flawed, including Shafi'i, Daraqutni, Bayhaqi, and Ibn 'Abd al-Barr" (ibid., 98).

Now, Bukhari has related the hadith up to the words "and they opened with 'al-Hamdu li Llahi Rabbi l-'Alamin'"; without mentioning omitting the Basmala (Bukhari, 1.189), and Tirmidhi and Abu Dawud relate no other version. Scholars point out, in this connection, that the words "al-Hamdu li Llahi Rabbi l-'Alamin" were in fact the name of the Fatiha, for the Prophet (Allah bless him and give him peace) and his Companions often used the opening words of suras as names for them; for example, in the hadith in *Sahih al-Bukhari* of Abu Sa'id ibn al-Mu'alla, who relates that the Prophet (Allah bless him and give him peace) said:

"I will teach you a sura that is the greatest sura of the Qur'an before you leave the mosque." Then he took my hand, and when he was going out, I said to him, "Didn't you say, 'I will teach you a sura that is the greatest sura of the Qur'an before you leave the mosque?'" And he said: "'Al-Hamdu li Llahi Rabbi l-'Alamin': it is the Seven Oft-Recited [Verses] (al-Sab' al-Mathani) and the Tremendous Recital (al-Qur'an al-'Adhim) that I have been given" (ibid., 6.20–21).

In this hadith, "Al-Hamdu li Llahi Rabbi l-'Alamin" is plainly the name of the Fatiha, and means nothing besides, for otherwise, it is one verse, not seven. 'A'isha, who was one of the ulama of the Sahaba, also referred to names of suras in this way, as in the hadith of Bukhari that

the Prophet (Allah bless him and give him peace), when he went to bed each night, joined his hands together, blew a light spray of saliva upon them, and read over them "Qul huwa Llahu Ahad," "Qul a'udhu bi Rabbi l-Falaq," and "Qul a'udhu bi Rabbi n-Nas"; then wiped every part of his body he could with them (ibid., 233–34),

which clearly shows that she named the suras by their opening words (after the Basmala), as did other early Muslims (such as Bukhari in his chapter headings in the section of his *Sahih* on the Virtues of the Qur'an, for example). So there is no indication, in the portion of the Anas hadith's wording that is agreed upon by both Bukhari and Muslim; namely, "I prayed with the Messenger of Allah (Allah bless him and give him peace), Abu Bakr, 'Umar, and 'Uthman, and they opened with 'al-Hamdu li Llahi Rabbi l-'Alamin,'" that the Basmala was not recited aloud. Says Tirmidhi: "Imam Shafi'i has said, 'Its meaning is that they used to begin with the Fatiha before the sura, not that they did not recite "Bismi Llahi r-Rahmani r-Rahim.'" And Shafi'i held that the prayer was begun with 'Bismi Llahi r-Rahmani r-Rahim,' and that it was recited aloud in prayers recited aloud" (Tirmidhi, 2.16).

Hadith scholars who are masters of textual critique, like Daraqutni and others, consider the words of the Anas hadith "not mentioning 'Bismi Llahi r-Rahmani r-Rahim,'" which outwardly seem to suggest omitting the Basmala, to be vitiated by an 'illa or "hidden flaw"

for many reasons, a few of which are:

—It is established by numerous intersubstantiative channels of transmission (tawatur), that the Prophet (Allah bless him and give him peace) said, "There is no prayer for whoever does not recite the Fatiha" (Bukhari, 1.192). That the Basmala is the Fatiha's first verse is shown by several facts:

First, the Sahaba affirmed nothing in the collation of the Qur'an (mushaf) of 'Uthman's time except what was Qur'an, and they unanimously placed the Basmala at the beginning of every sura except surat al-Tawba.

Second, the Prophet (Allah bless him and give him peace) said, "When you recite 'al-Hamdu li Llah,' recite 'Bismi Llahi r-Rahmani r-Rahim,' for it is the Sum of the Qur'an (Umm al-Qur'an), and the Compriser of the Scripture (Umm al-Kitab), and the Seven Oft-Repeated [Verses] (al-Sab' al-Mathani)—and 'Bismi Llahi r-Rahmani r-Rahim' is one of its verses" (Bayhaqi, 2.45; and Daraqutni, 1.312), a hadith related with a rigorously authenticated (sahih) channel of transmission to the Prophet (Allah bless him and give him peace), and through another chain to Abu Hurayra alone (Allah be well pleased with him).

Third, Umm Salama relates: "The Prophet (Allah bless him and give him peace) used to recite: 'Bismi Llahi r-Rahmani r-Rahim. al-Hamdu li Llahi Rabbi l-'Alamin,' separating each phrase"; a hadith which Hakim said was rigorously authenticated (sahih) according to the conditions of Bukhari and Muslim, which Imam Dhahabi corroborated (al-Mustadrak, 1.232). Daraqutni also relates from Umm Salama that "the Prophet (Allah bless him and give him peace) when he used to recite the Qur'an would pause in his recital verse by verse: 'Bismi Llahi r-Rahmani r-Rahim: al-Hamdu li Llahi Rabbi l-'Alamin: ar-Rahmani r-Rahim: Maliki yawmi d-din.'" Daraqutni said, "Its ascription is rigorously authenticated (sahih); all of its narrators are reliable" (Daraqutni, 1.312–13). These hadiths show that the Basmala was recited aloud by the Prophet (Allah bless him and give him peace) as part of the Fatiha.

Fourth, Bukhari relates in his Sahih that when Anas was asked how the Prophet (Allah bless him and give him peace) used to recite, "he answered: 'By prolonging [the vowels]'—and then he [Anas] recited 'Bismi Llahi r-Rahmani r-Rahim,' prolonging the Bismi Llah, prolonging the r-Rahman, and prolonging the r-Rahim" (Bukhari, 6.241), indicating that Anas regarded this as part of the Prophet's Qur'an recital and that the Prophet (Allah bless him and give him peace) recited it aloud.

Fifth, Daraqutni has recorded two hadiths, both from Ibn 'Abbas, and has said about each of them, "This is a rigorously authenticated (sahih) chain of transmission, there is not a weak narrator in it," of which the first is: "The Prophet (Allah bless him and give him peace) used to recite 'Bismi Llahi r-Rahmani r-Rahim,' aloud"; and the second is: "The Prophet (Allah bless him and give him peace) used to begin the prayer with 'Bismi Llahi r-Rahmani r-Rahim'" (al-Nawawi: al-Majmu', 3.347).

—Imam al-Mawardi summarizes: "Because it is established that it is obligatory to recite the Fatiha in the prayer, and that the Basmala is part of it, the ruling for reciting the Basmala aloud or to oneself must be the same as that of reciting the Fatiha aloud or to oneself" (al-Hawi al-kabir, 2.139).

—Imam Nawawi says: "Concerning reciting 'Bismi Llahi r-Rahmani r-Rahim' aloud, we have mentioned that our position is that it is praiseworthy to do so. Wherever one recites the Fatiha and sura aloud, the ruling for reciting the Basmala aloud is the same as reciting the rest of the Fatiha and sura aloud. This is the position of the majority of the ulama of the Sahaba and those who were taught by them (Tabi'in) and those after them. As for the Sahaba who held the Basmala is recited aloud at prayer, the hadith master (hafiz) Abu Bakr al-Khatib reports that they included Abu Bakr, 'Umar, 'Uthman, 'Ali, 'Ammar ibn Yasir, Ubayy ibn Ka'b, Ibn 'Umar, Ibn 'Abbas, Abu Qatada, Abu Sa'id, Qays ibn Malik, Abu Hurayra, 'Abdullah ibn Abi Awfa, Shaddad ibn Aws, 'Abdullah ibn Ja'far, Husayn ibn 'Ali, Mu'awiya, and the congregation of Emigrants (Muhajirin) and Helpers (Ansar) who were present with Mu'awiya when he prayed in Medina but did not say the Basmala aloud, and they censured him, so he returned to saying it aloud" (al-Majmu', 3.341).

These are some reasons why scholars regard the Anas hadith in Sahih Muslim to be mu'all or "flawed." We cannot here discuss other aspects of the hadith such as the flaws in its chain of narrators, which are explained in detail in Zayn al-Din 'Iraqi's al-Taqyid wa al-idah (100–101), though the foregoing may give a general idea why it has been considered flawed by hadith masters (huffaz) such as Suyuti, 'Iraqi, Ibn Salah, Ibn 'Abd al-Barr, Daraqutni, and Bayhaqi—and why the shari'a ruling apparently deducible from the end of the hadith; namely, omitting the Basmala when reciting the Fatiha at prayer, has been rejected by al-Shafi'i, Nawawi, and others, who hold that the Basmala is recited aloud whenever the Fatiha is. (The position of Abu Hanifa and Ahmad ibn Hanbal, it may be noted, is that one recites the Basmala to oneself before the Fatiha, thus joining between hadiths on both sides by interpreting the "omitting" in the Anas hadith in other than its apparent sense, to mean merely "reciting to oneself.") In any case, it is clearly not a story of "the hadith in Sahih Muslim that the Imams didn't know about," as some of the unlearned seriously suggest today, but rather a difference of opinion in hadith authentication involving the highest levels of shari'a scholarship.

Studying the five conditions above for a sahih hadith and the differences about them among specialists shows us why the mujtahid Imams of the schools sometimes differ with one another about whether a particular hadith is really from the Prophet (Allah bless him and give him peace). Whoever believes that a single scholar, whether Bukhari, Muslim, or a contemporary sheikh, can finish off all differences of opinion about the acceptability of particular hadiths, should correct his impressions by going and studying the sciences of hadith. What we can realize from this is that when we find a hadith in Sahih Bukhari that one school of fiqh seems to follow and another does not, it may well be that differences in fiqh methodology, hadith methodology, or both, play a role.

Conclusions. Let me summarize everything I have said tonight. I first pointed out that the knowledge you and I learn from the Qur'an and hadith may be divided into three categories. The first is the knowledge of Allah and His attributes, and the basic truths of Islamic belief such as the messengerhood of the Prophet (Allah bless him and give him peace), the belief in the Last Day, and so on. Every Muslim can and must learn this knowledge from the Book of Allah and the sunna, which is also the case for the second kind of knowledge: that of general Islamic laws to do good, to avoid evil, to perform the prayer, pay zakat, fast Ramadan, to cooperate with others in good works, and so on. Anyone can and must learn these general prescriptions for him or herself.

Then we discussed a third category of knowledge, which consists of fiqh or "understanding" of specific details of Islamic practice. We found in the Qur'an and sahih hadiths that people are of two types respecting this knowledge, those qualified to do ijtihad and those who are not. We mentioned the sahih hadith about "a man who judges for people while ignorant: he shall go to hell," showing that would-be mujtahids are criminals when they operate without training.

We heard the Qur'anic verse that established that a certain group of the Muslim community must learn and be able to teach others the specific details of their religion. We heard the Qur'anic verse that those who do not know must ask those who do, as well as the verse about referring matters to "those whose task it is to find it out."

We talked about these scholars, the mujtahid Imams, firstly, in terms of their comprehensive knowledge of the whole Qur'an and hadith textual corpus, and secondly, in terms of their depth of interpretation, and here we mentioned Qur'an and hadith examples that illustrate the processes by which mujtahid Imams join between multiple texts, and give precedence when there is ostensive conflict. Our concrete examples of ijtihad enabled us in turn to understand to whom the Imams addressed their famous remarks not to follow their positions without knowing the proofs. They addressed them to the first rank scholars they had trained and who were capable of grasping and evaluating the issues involved in these particular proofs.

We then saw that the Imams were also mujtahids in the matter of judging hadiths to be sahih or otherwise, and noted that, just as it is unlawful for a mujtahid Imam to do taqlid or "follow another mujtahid without knowing his evidence" in a question of fiqh, neither does he do so in the question of accepting particular hadiths. Finally, we noted that the differences in reliability ratings of hadiths among qualified scholars were parallel to the differences among scholars about the details of Islamic practice: a relatively small amount of difference in relation to the whole.

The main point of all of this is that while every Muslim can take the foundation of his Islam directly from the Qur'an and hadith; namely, the main beliefs and general ethical principles he has to follow—for the specific details of fiqh of Islamic practice, knowing a Qur'anic verse or hadith may be worlds apart from knowing the shari'a ruling, unless one is a qualified mujtahid or is citing one.

As for would-be mujtahids who know some Arabic and are armed with books of hadith, they are like the would-be doctor we mentioned earlier: if his only qualification were that he could read English and owned some medical books, we would certainly object to his practicing medicine, even if it were no more than operating on someone's little finger. So what should be said of someone who knows only Arabic and has some books of hadith, and wants to operate on your akhira?

To understand why Muslims follow madhhabs, we have to go beyond simplistic slogans about "the divinely-protected versus the non-divinely-protected," and appreciate the Imams of fiqh who have operationalized the Qur'an and sunna to apply in our lives as shari'a, and we must ask ourselves if we really "hear and obey" when Allah tells us "Ask those who know if you know not" (Qur'an 16:43).

This document was created with Win2PDF available at <http://www.win2pdf.com>.  
The unregistered version of Win2PDF is for evaluation or non-commercial use only.  
This page will not be added after purchasing Win2PDF.