

التقليد وحقيقة الاختلافات المذهبية

# TAQLĪD

AND THE REALITY OF JURISTICAL  
DIFFERENCES



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## PREFACE



The Shar`ī legality of Ijtihād and Taqlīd is an accepted issue proven through the rational and traditional means of knowledge. Outwardly a person is seen as an adherent of Taqlīd while another claims to be a non-adherent. But the fact of the matter is that each one is acquiring Dīn through the path of Taqlīd and treading its path. One is making Taqlīd of the Mujtahidīn while the other of the Muḥaddithīn. If Taqlīd means relying on an expert for the understanding of a Ḥadīth and choosing his research in this regard, then to rely on an expert for the authenticity of a Ḥadīth and to accept his approval or disapproval of its authenticity is also Taqlīd. If this was not the case, who is it who asked Allāh *ta`ālā* which of the several meanings of a verse is the meaning which He meant? Or asked Rasūlullāh *sallallāhu `alayhi wa sallam* whether a particular Ḥadīth is authentic or whether it is wrongly attributed to him?

Just ponder! What other way do the masses have in learning the prescribed manner of a particular action apart from relying on an expert and a practising scholar, and accepting his investigation without asking for a proof? What other way do they have through which they can succeed in establishing a specific action from the many diverse, contradictory and multifarious meanings of the Qur`ān and Sunnah? If they are told to merely act on the obvious texts, we find diversity in them as well. If they are told to give preference to the authentic Ahādīth, then firstly we find diverse opinions in labelling a Ḥadīth as authentic and weak. Secondly, there is

diversity and contradiction in the authentic texts themselves. Eventually, the issue only stops at relying on an expert and accepting his opinion. Although a particular section of the community accepts this reasonable and unavoidable necessity, it has not only rejected it for others but initiated a programme of labelling them as polytheists and deviants.

The scholars of the early and latter generations have written so much on this subject in the last thousand years that there is absolutely no vacuum to be filled in this regard. There are many other important issues and plenty of other work which the Muslim community deserves and is in need of. However, a certain group from the Ghayr Muqallids has recently raised this issue with much fervour in the name of Salafīyyat. It is progressing swiftly under certain well-known reasons. This group is taking unlawful benefit from a large section of the Muslim community which does not even have knowledge of the essentials of Dīn. It is deliberately presenting this issue in a manner so as to convey to the masses that following the investigations and rulings of the Imāms is absolute unbelief and polytheism, or that it entails following idols and Satan. It presents to them – without hesitation and without any fear of the Hereafter - all those verses of the Qur’ān which were revealed in reference to the absolute and obstinate idol-worshippers. We seek refuge in Allāh *ta’ālā*.

It is as though the so-called Ahl Hadīth of our times want to say with regard to the Muslims as was said by the notorious atheist of Decca, Chan Basweshar. He says in his explanation of the following verse of the Qur’ān:

ثُلَّةٌ مِّنَ الْأَوَّلِينَ وَثُلَّةٌ مِّنَ الْآخِرِينَ

*A multitude from the early generations and a multitude from the latter generations.*<sup>1</sup>

From the early generations it was either the Sahābah *raḍiyallāhu ‘anhum* who were on the truth or their followers from the latter generations are on the truth. As for the remainder, they have nothing to do with Islam. The intervening 1 000 years from the 1 300 year history of Islam are years of misguidance. All the scholars of the Qur’ān, Hādīth, jurists and Imāms during this period were all misguided and had deviated from the straight path. (refer to my book, *Sri Chan Basweshar*)

Unfortunately we have to say that the same type of views and beliefs are presented by the Salafis with regard to the Muslims. As though the majority of the people of the illustrious Islamic era of the past 1 000 years and the majority of the Muslims of the world today – including all the ‘ulamā’, Sufi masters, scholars of the Qur’ān and Hādīth from the first to the last – were committing the major sin of Taqlīd and were worshipping the Imāms. This view is clearly coming to the fore from the utterances and writings of this group. The seniors and juniors, and the scholars and ignoramuses of this group seem to be speaking the same language and writing with the same pen.

To add insult to injury, while they claim to be freeing the people from the polytheism of Taqlīd and making them genuine monotheists, they are doing nothing but teaching them to be fanatical and dogmatic about a few contentious issues as regards beliefs and actions, instilling hatred for those who are muqallids, and teaching them to be audaciously

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<sup>1</sup> Sūrah al-Wāqī‘ah, 56: 39-40.

critical of the scholars of the past, especially the Imāms and jurists. We notice that this group has no interest whatsoever in Islamic culture and character, nor any concern for reviving the Sunnah in all the departments of life.

On observing this situation, the Majlis 'Ilmīyah Andhra Pradesh initiated a programme of annual training workshops for the 'ulamā' in which the ignorance and deception of the above-mentioned and other similar groups are highlighted, their objections and hostilities are assessed, and proofs are provided for the rationality and Shar'ī legality of Taqlīd. All this is done through lessons conducted by illustrious 'ulamā' of the country so that the 'ulamā' may benefit from them in their respective fields of activity and be able to combat this new tribulation. The thesis under review is part of this chain which was delivered by Maulānā Yaḥyā Nu'mānī Ṣāhib at the conference which was hosted by Dār al-'Ulūm Hyderabad on 25-26 February 2012.

Maulānā Yaḥyā Nu'mānī is the son of Maulānā Muḥammad Zakarīyyā Sambhalī and the grandson of Maulānā Muḥammad Manzūr Nu'mānī *rahīmahullāh*. He is a graduate of Dār al-'Ulūm Nadwatul 'Ulamā', a post-graduate of Jāmi'ah Islāmīyah Madīnah Munawwarah, the founder and director of al-Ma'had al-'Āli li ad-Dirāsāt al-Islāmīyah, an excellent orator, and an author of several academic works. He has a noble-minded disposition and is very balanced in his views. I am extremely indebted to his father for his favours and affections, and the son looks up to me with respect and sincere love.

When I invited the Maulānā to express his views on the Salafis in a general gathering of Majlis 'Ilmīyah, he honoured me by accepting my invitation and came happily. The 'ulamā' who

were present were very impressed by his address and its balanced and fully referenced subject matter, and suggested that it be published. When I made this request to him, he compiled a completely new work despite his many engagements and presented it to me. This work is now presented to the reader with a lengthy introduction – which is a thesis on its own – written by Hadrat Maulānā Khālid Sayfullāh Raḥmānī, a senior member of Majlis ‘Ilmīyyah Andhra Pradesh.

Majlis ‘Ilmīyyah is a forty-year old organization of the ‘ulamā’ of the State of Andhra Pradesh. Its objectives include the establishment of unity among the ‘ulamā’ of Andhra Pradesh, establishing the truth, falsifying falsehood and conveying genuine authentic knowledge to the Muslims. The Majlis invites the genuine ‘ulamā’ from the length and breadth of the country and affords the Muslim community opportunities to benefit from them. It also provides guidance to the ‘ulamā’ of the state on every occasion. All praise is due to Allāh *ta’ālā*, all the senior ‘ulamā’ of the state – not withstanding differences in their views and dispositions - are united under the auspices of the Majlis. About 2 000 ‘ulamā’ of the state are affiliated to the Majlis. May Allāh *ta’ālā* protect it from the evil eye and may the Muslims continue to be guided and steered through this united platform of the ‘ulamā’. Āmīn.

(Hadrat Maulānā) Muḥammad ‘Abd al-Qawī (*dāmat barakātuhum*).

## FOREWORD

The foundation of Islam is based on the Qur'ān and Sunnah of Rasūlullāh *sallallāhu `alayhi wa sallam*. Rasūlullāh *sallallāhu `alayhi wa sallam* was handed over two responsibilities with regard to the Qur'ān, viz. (1) To convey the Qur'ān to humanity, as manifested in the following verse:

وَمَا عَلَيْنَا إِلَّا الْبَلَاغُ الْمُبِينُ

*Our responsibility is only to clearly convey the message.*<sup>1</sup>

(2) Explanation and elucidation of the Qur'ān. Allāh *ta`ālā* says in this regard:

لِتُبَيِّنَ لِلنَّاسِ مَا نُزِّلَ إِلَيْهِمْ

*So that you may expound to the people that which has been revealed to them.*<sup>2</sup>

Rasūlullāh *sallallāhu `alayhi wa sallam* explained the Qur'ān through his words and actions. This is referred to as “*Hadīth*” and “*Sunnah*”. Just as the *Sunnah* is an elucidation of the Qur'ān, the actions of the *Sahābah radiyallāhu `anhum* are explanations of the *Sunnah*. This is why Rasūlullāh *sallallāhu `alayhi wa sallam* said:

عَلَيْكُمْ بِسُنَّتِي وَسُنَّةِ الْخُلَفَاءِ الرَّاشِدِينَ<sup>3</sup>

*Hold on to my Sunnah and the Sunnah of my rightly-guided caliphs.*

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<sup>1</sup> Sūrah Yā Sīn, 36: 17.

<sup>2</sup> Sūrah an-Naḥl, 16: 44.

<sup>3</sup> ابو داود، كتاب السنة، باب في لزوم السنة، حديث رقم: ٤٦٠٧.

He also said: “You will face many differences after me. Those who remain steadfast on my way and the way of my Sahābah will be on the truth:

مَا أَنَا عَلَيْهِ وَأَصْحَابِي

*The path on which I and my Companions are.*

The Qur’ān reached us in its entirety through an unbroken and absolute chain. However, the Aḥādīth are of different levels. There are those which came down through an unbroken chain, which reach the level of certainty, and such a large group of people in every era relate it either by words or actions that it is impossible to imagine that they could have collectively fabricated it. There are Aḥādīth of a lower level as well. Thus, all Aḥādīth are not on the same level of certainty. Furthermore, those that are reliably authenticated sometimes contain outward contradictions among them although there can be no real contradiction in the words and actions of Rasūlullāh *sallallāhu `alayhi wa sallam*. They appear as contradictions to us because Rasūlullāh *sallallāhu `alayhi wa sallam* carried out different actions on different occasions, made statements on different and separate occasions or issued certain regulations in line with certain specific situations but the narrator narrated the Ḥadīth as it is. Some injunctions were on the level of desirability and firmness, others on the level of permissibility and concession. But this could not be clarified when quoting and relating the Ḥadīth. There were injunctions which were abrogated because prudence demanded firmness on certain issues in the beginning, and leniency was adopted later on. The opposite also holds true in

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<sup>1</sup>الترمذي، كتاب الإيمان، باب افتراق الأمة، حديث رقم: ٢٦٤١.

some instances, i.e. leniency in the beginning and severity later on. The dates for these different rulings are not known with certainty, and because the abrogating and abrogated ruling is not clear, there seems to be a contradiction. The manner in which certain absolute texts or those which have been related through reliable sources are expressed sometimes results in more than one meaning to be taken from them.

In order to understand the helplessness of the Mujtahid in trying to solve these issues, we have to know that he has to at least carry out the following tasks:

1. To investigate whether the texts have been established in a reliable way or not. This is no simple task because the Ahādīth which concern injunctions number about 4 000 in the different categories of Hadīth. Investigating the texts includes the following: (1) Investigating the chain of transmission of so many Ahādīth, (2) inquiring about the narrators and (3) deciding whether they are reliable or not from the rational and factual angles.
2. The second task for the Mujtahid is to reconcile contradictory narrations and give preference to one over the others. He also has to check if any of the texts are abrogated. He has to possess deep insight on the huge treasure of texts and to be cognisant of the temperament of the Sharī'ah.
3. The third task for him is to determine the meaning of the words in the texts. This includes two things: (1) To determine the linguistic meaning of the words and to see whether the apparent meaning is to be taken or some other meaning. This is because there are times

when a thing is said as a simile, sometimes the word is general in meaning, sometimes it is specific, some words have several meanings and circumstantial proofs have to be used to determine the exact meaning in a particular context. (2) The objective of the promulgator [whether Allāh *ta`ālā* or Rasūlullāh *sallallāhu `alayhi wa sallam*] has to be determined through the tone of the expression. For example, an order is used to demonstrate obligation, permissibility and desirability. Then there is another order which is used as a statement. The tone of the text and circumstantial proofs are used to determine what type of order is meant. This would obviously demand broad knowledge of the Arabic language, rules of Arabic and the principles of jurisprudence.

4. For issues for which there is no clear text, a Mujtahid has to resort to Qiyās while keeping other similar issues before him. In order for him to resort to Qiyās, it is essential for him to first find out the cause of the forthcoming ruling from the Qur`ān and Hadīth. He must then apply that cause to the issue at hand. All this requires in-depth knowledge and Allāh-bestowed intelligence.

Obviously, let alone the masses, even ordinary `ulamā' cannot undertake all this. It requires extraordinary knowledge and extraordinary fear of Allāh *ta`ālā*. Knowledge is essential so that the person can be saved from unwitting errors. Fear of Allāh *ta`ālā* is essential so that he can be saved from intentional errors. If a person does not have fear of Allāh *ta`ālā*, he can include his own whims and fancies in the name of Ijtihād.

Sometimes, he can also be influenced by pressure from the government or some other interested party.

The severe difficulty of Ijtihād can be gauged from this concise explanation. It also shows the extraordinary capabilities which a person has to possess. This is why there are very few persons in history who were accepted as qualified for this task by the Muslim community. In fact, even from the *Ṣahābah radiyallāhu `anhum* – who benefited directly from the company of Rasūlullāh *ṣallallāhu `alayhi wa sallam* – only 130 have been listed as jurists and Mujtahids by `Allāmah Ibn Qayyim *rahimahullāh*. Nonetheless, this is a glittering chapter of Islamic history where the most brilliant minds of the Muslim community were used to irrigate the fields of Ijtihād and jurisprudence.

Just as Ijtihād is essential, Taqlīd is just as much essential for those who are not qualified for Ijtihād. Allāh *ta`ālā* Himself addressed those who do not have knowledge:

فَاسْأَلُوا أَهْلَ الدِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

*Ask those who remember if you do not know.*<sup>1</sup>

Those who remember refers to those who have knowledge.<sup>2</sup> This means that those who do not have knowledge of the injunctions of the Shari`ah must ask those who have knowledge and then act on what they say. Allāh *ta`ālā* says:

أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ

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<sup>1</sup> Sūrah an-Nahl, 16: 43.

<sup>2</sup> Tafsīr Ibn Kathīr, vol. 5, p. 72.

*Obey Allāh and obey the Messenger and those of authority who are among you.*<sup>1</sup>

‘Abdullāh ibn ‘Abbās *radīyallāhu ‘anhu* said that “those of authority” refers to:

أَهْلُ الْفِقْهِ وَالِدِّينِ<sup>٢</sup>

*People of jurisprudence (or deep understanding) and religiosity.*

It is totally in accordance with human intelligence and common sense that the one who does not know must ask the one who knows and practise on what he says. Throughout our lives we depend on the advice of doctors for our illnesses, engineers for buildings and machines, and lawyers for legal matters. Just as we are compelled into Taqlīd for our day to day affairs, or just as we rely on the decisions of expert Ḥadīth scholars on the reliability or unreliability of narrators, in the same way, it is necessary for man to act on the opinion of one who is more learned than him as regards injunctions of the Sharī‘ah. This is what is referred to as Taqlīd.

It is also a fact that after the third century of the Emigration, we have not come across any personality who resorted to Ijtihād on all issues or a considerable number of issues. Imām Abū Ja‘far Muḥammad ibn Jarīr Ṭabarī *rahīmahullāh* (d. 310 A.H.) is the last personality who was considered to be a Mujtahid. Many senior and erudite scholars came after him, but instead of Ijtihād, they followed the course of Taqlīd. Even if any personality did resort to Ijtihād, it was for a few issues

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<sup>1</sup> Sūrah an-Nisā’, 4: 49.

<sup>2</sup> المستدرک للحاکم، ج ١، ص ١٢٣، کتاب العلم، باب توفیر العالم، حدیث رقم ٤٢٣.

only. If one or two people did claim to be Mujtahids, they could not obtain acceptance from the Muslim community. In fact, senior Hadīth scholars like Imām Muslim, Imām Abū Dāwūd, Imām Nasa'ī, Bayhaqī, Daraquṭnī, Ṭahāwī and Zayla'ī who had vast treasures of Hadīth considered Taqlīd to be the best way for themselves and did not resort to Ijtihād. This action of theirs was not based on lethargy or out of a fervour to leave aside Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* and to follow some other person. Rather, it is a natural sequence for a branch of knowledge to progress and to reach its peak. Thereafter it occasionally needs certain partial processes. For example, Arabic grammar and etymology have completed their journeys of progress. If no additions are made to it today, we cannot say that people have become stagnant in these fields. This is not stagnation but perfection. The same can be said about the scholars who came later on and chose the path of Taqlīd. They felt that whatever guidance could be provided in all the fields of life, the different opinions that could be held and the various legal verdicts of the Sahābah *radiyallāhu `anhum* have all been encompassed by Ijtihād. It will be futile to restart this entire process.

Basically, there is no room for any objection to the very concept of Taqlīd. Yes, there can be misgivings about the concept of Individual Taqlīd. But if we were to ponder on this, we find examples of it during the era of Rasūlullāh *sallallāhu `alayhi wa sallam*. He used to despatch Sahābah to different regions. The inhabitants of those regions were instructed to practise on whatever that particular Sahābī taught them. Hadrat Muṣ`ab ibn `Umayr *radiyallāhu `anhu* was sent to Madīnah, Hadrat `Alī *radiyallāhu `anhu* and Hadrat Mu`ādh ibn Jabal *radiyallāhu `anhu* were sent to Yemen. During the era of Hadrat `Umar *radiyallāhu `anhu*, Hadrat `Abdullāh ibn Mas`ūd

*radiyallāhu `anhu* was sent to Kūfah. Rasūlullāh *sallallāhu `alayhi wa sallam* himself said with regard to `Abdullāh ibn Mas`ūd *radiyallāhu `anhu*:

رضيت لأمتي ما رضي به ابن أم عبد

*I like for my community whatever Ibn Mas`ūd likes for it.*

Obviously, the people of that region used to practise on his verdicts. This is why the Sahābah and Tābi`īn used to accord special importance to the views of Hadrat `Abdullāh ibn Mas`ūd *radiyallāhu `anhu*. These are all forms of Individual Taqlīd. Later on, the scholars made Individual Taqlīd obligatory. However, as per the opinion of Hadrat Maulānā Ashraf `Alī Thānwī *rahimahullāh* this is obligatory through external factors. In other words, Individual Taqlīd is not obligatory in itself but became obligatory to close off means [of evil]. The jurists differ among themselves on many issues, and some of their opinions provide ease to man. But they do not coincide with the import of the Qur`ān and Hadīth. The presence of such a shortcoming in human endeavour does not negate his greatness and his sincerity. If Taqlīd was permitted in differed issues, then instead of following the Qur`ān and Hadīth, people would follow their whims and fancies, and adopt the views of different jurists who were to their benefit. This is why it was considered best to make Taqlīd of just one jurist who encompassed most of the rules and regulation in his Ijtihād. In this way, the door of following one's desires is shut and the people remain on the path of following the Qur`ān and Sunnah.

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المستدرك للحاكم، كتاب معرفة الصحابة، حديث رقم: ٥٣٨٧.

However, two points were taken into consideration during the entire period of Taqlīd: (1) Ijtihād will be resorted to in new matters and issues so that the Muslim community is not left in the dark on any issue and not deprived of the light of the Shari`ah. This is known as *takhrīj masā'il* or *tahqīq manāt* in the definition of jurisprudence. The scholars unanimously state that this form of Ijtihād will remain until the day of Resurrection. This is the reason why we do not come across any era in which it was said that there are no Mujtahids so how will such and such issues be resolved? (2) Since emulation of the Qur`ān and Sunnah is the essential objective, and every Ijtihād contains the possibility of error, if an Imām's opinion is clearly in conflict with a text [of the Qur`ān or Sunnah], gone against precaution because of contemporary changes, or does not coincide with the import of the Shari`ah; the opinion of the Imām will be left aside. There are many examples of this nature in the four Madhāhib. However, I will suffice by providing just one example each from Hanafi jurisprudence.

- Imām Abū Hanīfah *rahīmahullāh* considers usury to be lawful in a Dār al-Harb. However, many Hanafi jurists, especially of India, do not issue such a fatwā because this opinion is in conflict with authentic and clear texts.
- The face and hands up to the elbows are not included in the *satr* according to Imām Abū Hanīfah *rahīmahullāh*. However, the latter Hanafi jurists – acting on caution and after seeing the prevailing temptations – consider it obligatory to cover the face apart from occasions of necessity.
- According to Imām Abū Hanīfah *rahīmahullāh*, if a woman's husband disappears, she must wait until the

death of his contemporaries. This is the verdict of Hadrat 'Alī *radīyallāhu 'anhu* as well. However, the latter scholars felt that protection of one's chastity is an important purpose of marriage. Waiting for such a long time could cast a woman into danger as regards her honour and chastity. This is why they accepted the decision of Imām Mālik *rahimahullāh* which is actually based on the opinion of Hadrat 'Umar *radīyallāhu 'anhu*.

There are countless other examples of this nature among the jurists. It is probably because of this that we find a principle among the jurists which is known as *khurūj min al-khilāf* which means that they must endeavour to practise on a way which the jurists unanimously consider to be permissible. The essential purpose of this is not for the jurists to save themselves from differences but from going against those texts on which different jurists gave their opinions.

The very essence of Taqlīd is: "A person whose statement is not on the level of a proof in the Sharī'ah is accepted without asking for a proof on the assumption that he understood the Qur'ān and Hadīth correctly. However, there is a possibility of error in it." Although Taqlīd has been defined in various ways, the essence of all is the same. A Muqallid acts on the fatwā of a person while accepting three points:

- (1) Unlike the Qur'ān and Sunnah, the statement of this Imām is not a proof and evidence in itself.
- (2) The fundamental objective of Taqlīd is to follow the Qur'ān and Sunnah.
- (3) A Mujtahid Imām is not divinely protected like a Prophet. Rather, there is the possibility of error in his opinion.

Can any honest and upright person say that the one who is making Taqlīd has elevated his Imām to the level of a Messenger? Although the definition of Taqlīd and Ijtihād is an academic discussion, if you were to ask an ordinary person: “Why do you perform two rak`ats of Sunnah and two rak`ats of fard in the fajr ṣalāh? Whose Sunnah are the two rak`ats before the fard? With what intention do you carry out the two rak`ats of fard?” His reply will be: “The first two rak`ats are the Sunnah of Rasūlullāh *ṣallallāhu `alayhi wa sallam*, and the second two rak`ats are performed by the order of Allāh *ta`ālā*.” No one will say that these are the sunnats of Imām Abū Hanīfah *rahīmahullāh* or Imām Mālik *rahīmahullāh*, or that it is they who issued these orders. We learn from this that the status of Taqlīd is to benefit from the opinion of an expert in the field. However, whether the person is an `ālim or a lay person, the objective of each one is obedience to Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam*. This is why many Muqallid `ulamā` – especially our `ulamā` of Deoband – have prohibited extremism and stagnation in Taqlīd.

Ill feelings and misunderstandings have reached such a level that some people consider jurisprudence to be a subject which is completely opposite to the Qur`ān and Sunnah. Whereas the truth of the matter is that jurisprudence is not only the key to the Qur`ān and Sunnah but its essence. For example, if a person wants to know the rules of ṣalāh from the beginning to end, he will have to refer to countless Ahādīth. He will have to assess the ranks of the various narrators and specify which ranks they belong to. He will have to study conflicting Ahādīth and see which one is most fitting. He will have to undertake linguistic investigations on countless words. He will probably need several years to do this. But if you were to open the books of jurisprudence and refer to the chapter on

the description of ṣalāh, you will find the crux of all these discussions in a few pages, and all the rules of ṣalāh from beginning to end will be there before you. So we really have to be grateful to the jurists for having made it easy for general Muslims to practise on the Qur'ān and Hādīth.

As for restricting Individual Taqlīd to the four Imāms, it did not happen by a few people sitting down in one place and coming to a unanimous decision in this regard. Rather, it is a divine decision. Bearing in mind that the views of these jurists was perceived to be closest to the Qur'ān, Sunnah and import of the Sharī'ah, and their judgements are to be found in all departments of life, they enjoyed special acceptance by the Muslim community. For example, the acceptance which is enjoyed by the seven and ten modes of recitation of the Qur'ān is not enjoyed by the other modes. Or take the example of the authentic collections of Hādīth. There are many authentic collections, but the acceptance enjoyed by the collections of Imām Bukhārī *rahīmahullāh* and Imām Muslim *rahīmahullāh* is not enjoyed by anyone else. In the same way, this is a divine decision that the acceptance which is enjoyed by the schools of the four Imāms is not enjoyed by anyone else. It has nothing to do with fanaticism and narrow-mindedness. The wisdom behind it could also be that the different angles of Ijtihād and derivation of the four schools have absorbed most of the opinions and reasoning of the jurists among the Sahābah radiyallāhu `anhum. So we can say that collectively they are exponents of the entire Islamic Sharī'ah, and commentaries and explanations for the teachings of the Qur'ān and Hādīth. Therefore, the person who makes objections against this is to a certain extent making objections against Allāh *ta`ālā*.

If we were to look at the present day conditions, it does not seem appropriate to write on a subject like Taqlīd because discussions on it have continued for centuries, and countless clarifications have come to the fore. However, it is most unfortunate that some people have adopted an attitude which creates the impression that the vast majority of the Muslims are immersed in polytheism and misguidance by having chosen Taqlīd. The vast majority of Muslims are being labelled polytheists and deviates by a single stroke of the pen. In doing this, they are probably making the job easy for the enemies of Islam who try to show the number of Muslims in the world to be less than what it actually is. Furthermore, this thinking of theirs is injuring our entire history. Bearing all this in mind, several scholars have been compelled to speak on these issues and to apprise the public of the reality.

Presently, there is a very important and beneficial book on this subject before me.

Although there is a sizeable amount of literature on this subject in the Urdu language, the present book is quite unique. Its style is not confrontational but constructive. While avoiding excesses and remissions, the author impartially sheds light on the legality of Taqlīd, its need and its importance in present times. This constructive style and balance in views distinguishes the present book from other literature on this subject. Instead of scattering the thorns of criticism and condemnation, it spreads the flowers of advice and love. Moreover, whatever he says, he says after fulfilling the demands of academic research and justice, and sourcing the fundamental reference works.

The first chapter delves into the essence of Taqlīd and its different levels. The importance of Taqlīd is demonstrated and

reference is made to balance and moderation in this regard. The second chapter shows the balanced way which had been the way of all Allāh-conscious 'ulamā', especially of Shāh Walī Allāh Dehlawī *rahimahullāh* and Hadrat Maulānā Ashraf 'Alī Thānwī *rahimahullāh* in the recent past. The third chapter answers the ignorant objections and doubts against Taqlīd. Allāh willing, this chapter will be especially beneficial to the masses. The fourth chapter is important for the scholars because it explains the importance of Hanafī jurisprudence with regard to knowledge of Hadīth. People think or are made to think that differences among the Madhāhib are the essential causes of partisanship and dissension in the Muslim community. The author addresses this issue in a beautiful manner in the fifth chapter and clarifies the nature of juristical differences in an excellent style. This book is undoubtedly a beneficial and eye-opening work on this subject and the author has to be congratulated for it.

The author, Maulānā Yahyā Nu'mānī, is a lamp from an academic family, the head of which was Hadrat Maulānā Muḥammad Manzūr Nu'mānī *rahimahullāh*, whose distinguishing quality was to speak out the truth, refute false beliefs, and condemn baseless opinions without any hesitation and consideration. Maulānā Yahyā Sāhib has inherited these qualities. He has written several books. His work on the subject of jihād is most important for it tries to remove the misunderstandings and allegations of people who are out of the fold of Islam. The present work removes the misunderstandings of certain sections found within the Muslim community. I pray to Allāh *ta'ālā* to inspire him to continue writing and to enable his journey of knowledge and research to continue for a long time to come.

The Majlis 'Ilmīyyah Andhra Pradesh is an organization which is a strong platform for the 'ulamā' of Andhra Pradesh who are firm on the true beliefs of the Ahl as-Sunnah wa al-Jamā'ah. Its main objective is to convey correct beliefs to the masses and save them from incorrect beliefs. It is presently under the leadership of Hadrat Maulānā Sayyid Akbar Sāhib, and is playing an active role through the efforts and endeavours of another dynamic scholar by the name of Maulānā 'Abd al-Qawī Sāhib. The publishing of this book is also the result of an effort of the Majlis to establish the truth. It deserves our thanks and gratitude.

I pray Allāh *ta`ālā* enables people to benefit from this book and that this effort of the Majlis 'Ilmīyyah enables it to continue in its path. Help is solely from Allāh *ta`ālā*.

(Hadrat Maulānā) Khālid Sayfullāh Raḥmānī  
10 Safar 1434 A.H.  
24 December 2012

## INTRODUCTION

The issue of Taqlīd and non-Taqlīd has been a hot and debated issue for at least the last 100 years or so. I never thought I would ever write anything on the trodden subject of Taqlīd and non-Taqlīd. The reality is that there are many other fields in which the servants of the religion of Rasūlullāh *sallallāhu `alayhi wa sallam* have work to do.

On one hand, religious feuds have snatched away the īmān of thousands. On the other hand, Muslim blood has become extremely cheap. Calamities and disasters are eating away the body of the Muslim community. Unfortunately, this misery has befallen the Muslims that even in this era of oppression, corruption and irreligiousness, they have to experience the tribulations of internal dissension and strife. Differences on the issue of Taqlīd and non-Taqlīd have also taken on this nature. In the last few years, this issue has been a basis for spreading mental confusion among simple minded and ignorant Muslims. No Muslim community seems to be saved from differences, dissension and discussions on this issue. A few extremists have started to spread this propaganda that the Taqlīd of the four Madhāhib which the majority of the Muslims have been on for many centuries is absolutely baseless, unlawful, and even polytheism. This movement has been prevalent in the Indian Subcontinent for just over a hundred years. However, due to certain reasons – this is not the place for details – the extent and activities of this movement have increased tremendously. Countless periodicals and pamphlets are being printed and distributed among the masses. The youth are made special targets for this propaganda.

As long as our youth are engrossed in evils, no one is there to stop them from consuming alcohol and gambling; and no one is inviting them to establish ṣalāh. But no sooner they begin to come to the masājid, people are there to suck their blood. How do we mourn this “intelligence” when pamphlets and booklets are distributed among the youth explaining to them how to perform ṣalāh. Sometimes, pamphlets on subsidiary issues such as the recitation of the Qur’ān by one who is following an Imām, are distributed for days on end. They contain biased and one-sided points trying to impress on the young minds that the ṣalāh which is performed throughout the world by the Muqallids is against the Sunnah. The effect this must be having on the poor masses can be understood by the scholars.

There is no safety anywhere during these times of ignorance. Whether you go to the Arab lands or the non-Arab lands, to Europe or to America, you will certainly find this movement there to confuse the minds of the ignorant public. The dangers and challenges which Muslims living in Western countries have to face is known to those living there or those who have contact with the ‘ulamā’ who are living there. A large number of Muslim youth are flowing away in the flood of the shameless, immodest and faithless environment which prevails in those countries. Western education has spread so much of irreligiousness over here [in India] and Western culture has such an influence on our society, that it has deprived a large section of our people of īmān and modesty. You can well imagine the condition of those who were born and brought up in that Western environment. But even there we find these issues [of Taqlīd and non-Taqlīd] being raised in every musjid.

This is the situation in almost every area and region. The servants of Dīn who wish to work on the grassroots level, undertake general rectification and reformation, and to fulfil the basic work of spreading an Islamic life among the Muslims may try their utmost to ensure their services are sincere, positive and reformational, but they are still forced to face this issue. It is my personal experience that whenever you start working on the grassroots level and work among the masses, you will be faced with these issues very quickly.

If there is no extremism in Taqlīd, then it is a unanimous issue of the Muslim community. Similarly, it is the undisputed fact among the genuine scholars that there is leeway for all the Madhāhib as regards juristical differences. It is a severely harmful extremism to confuse the masses through these differences, to cause them to have evil thoughts about their 'ulamā' and to initiate debates on this subject. It is a tribulation which is shredding to bits the unity of the community which is already prone to calamities and illnesses. The most extreme and disuniting articles and speeches are coming to the fore, and merely looking at them and hearing them are causing our kidneys to split into smithereens.

One of their proponents writes – seek refuge for your protection before reading it:

It is harām to perform ṣalāh behind those who propose obedience to Sufis, fakirs and Imāms as opposed to following Rasūlullāh *ṣallallāhu `alayhi wa sallam*. The Imāms of the Ahl as-Sunnah consider them to be apostates, and it is therefore obligatory to kill them.

These are the words of a notorious extremist orator by the name of Tausīf ar-Rahmān Sāhib. The title of his booklet is: *Do The 'Ulamā' of Deoband Belong to The Ahl as-Sunnah wa al-Jamā'ah?* It was published by the Ministry of Religious Affairs, Department of Propagation and Instruction of Saudi Arabia. It was then published by Dār al-Kutub al-Islāmīyyah with an introduction written by the head of Jam'īyyah Ahl al-Ḥadīth Delhi, Ḥāfiz Shakīl Aḥmad Meerutī.

Can such extremism which has reached the level of fanaticism, disunity, hatred, labelling Muslims as unbelievers, and stating the obligation of killing them ever be disregarded? All the Muslims have been labelled unbelievers and apostates who have to be killed. The only thing which remains is to start killing them and massacring them. This too has been carried out. The inheritors of the Khārijites – of the first century – have been born in the Arab lands by the name of Jamā'ah at-Takfīr wa al-Hijrah. This group considers it lawful to kill all Muslims, and not only that, it claims that it is compulsory to wage jihād against Muslims. Books and pamphlets containing such extremist views are being distributed in large numbers. The notorious Ahl al-Ḥadīth scholar, Muḥammad Jaunāgarhī, writes with regard to Taqlīd and Muqallids in his book, *The Difference Between Hanafīs and Ahl al-Ḥadīth*:

Individual Taqlīd is similar to considering an Imām to be a Prophet.

He writes further on:

Accepting the Imāms entails accepting Kālī and Bhuwānī (names of Hindu goddesses).<sup>1</sup>

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<sup>1</sup> Muḥammad Jaunāgarhī: *Aḥnāf Aur Ahl al-Ḥadīth Kā Farq*, p. 8.

There is no one in the entire group of Ahl al-Hadīth who considers his views to be wrong. They are stooping even lower by adopting confrontational methods. The books of jurisprudence contain rulings with regard to purity, private parts, impurities, etc. These rulings are explained so that if a person has to encounter such situations, he will be able to read them up and learn what he has to do. Yet, the Ahl al-Hadīth look for and select these rulings, and then say: "Look at how rude Hanafī jurisprudence is!" (Refer to the book, *Dīn Muḥammadī* of Muḥammad Jaunāgarhī)

If a Hanafī jurist wrote something incorrectly and it was refuted by later Hanafī scholars, the incorrect statement is quoted by these people [Ahl al-Hadīth] in order to create evil thoughts about Hanafis in the minds of the people. They conceal the fact that the incorrect statement was refuted by the Hanafī scholars themselves. For example, the superiority of Imām Abū Hanīfah *rahimahullāh* and his Madh-hab is described in the following couplet in *Durr Mukhtār*:

فلعنة ربنا أعداد رمل رمل على من رد قول أبي حنيفة

*Allāh's curses equal to the number of grains of sand be on the one who refutes an opinion of Abū Hanīfah.*

There is no doubt about the extremism of this couplet when taken in its outward meaning. The Hanafīs themselves refute it. The well-known commentator of *Durr Mukhtār*, Ibn 'Ābidīn Shāmī *rahimahullāh* says that it is not permissible to curse anyone if he does not accept a proof of Imām Abū Hanīfah *rahimahullāh*. It is only permissible to curse a person if he refutes the Islamic Sharī'ah with scorn. Ibn 'Ābidīn adds that even if a person were to deride Imām Abū Hanīfah himself,

his act will be an unlawful act but a Muslim cannot be cursed for it.

Now is this group going to continue attributing this couplet to the Hanafis?! Any person having some knowledge about Hanafī jurisprudence must know that *Durr Mukhtār* occupies a central position in Hanafī jurisprudence. He would certainly know that it is rarely read without its commentary, *Radd al-Muhtār*. Thus, a justice-seeking person will never consider it permissible to quote this poem from *Durr Mukhtār* in order to create an impression that Hanafī jurisprudence holds such extremist and fanatical views. From this single example one can gauge the “integrity” and “sincerity” of those who are shouting slogans against Taqlīd.

It is so unfortunate. A person will make such statements when the malady of fanaticism and tunnel-vision settles in the heart and mind. This poem is quoted in many pamphlets and books, and people are misled into thinking that Hanafī jurisprudence is so divisive that it even curses those who follow the other Madhāhib. To Allāh we belong and to Him is our return.

People had fabricated another baseless story, viz. Hadrat Khidr `alayhis salām learnt juristical rulings from Imām Abū Hanīfah *rahīmahullāh*. Hadrat Abul Qāsim Qushayrī *rahīmahullāh* then acquired that knowledge from Hadrat Khidr `alayhis salām, penned it in the form of books, placed them in a chest and cast the chest in the Jayhūn River. When Hadrat `Īsā `alayhis salām returns to this world, he will remove this chest and pass decisions and judgements according to whatever is contained in those books. Some extremist Muqallids also claimed that when Imām Mahdī arrives, he will practise on Hanafī jurisprudence.

Ibn `Ābidīn Shāmī *rahimahullāh* rejects all this outright and says that these are fabricated and baseless stories which could not be further from the truth. He makes mention of the well-known Hanafī Muḥaddith and jurist, Mullā `Alī Qārī *rahimahullāh*, who has provided a detailed refutation of these stories. This is why we see biographies on the life and achievements of Imām Abū Hanīfah *rahimahullāh* or of other Hanafī scholars not even considering these stories to be worthy of mention.

May Allāh *ta`ālā* guide us. Man can resort to every type of treachery to put another person down. His evil self then pacifies him into thinking that he is rendering services to Islam. The fact of the matter is that the self is very scheming and devious.

Our discussion on these transgressions will be incomplete if we do not make mention of some expatriates who have settled down in Saudi Arabia and their fabrications and trumped-up allegations and speeches. These speeches are then distributed throughout the world in the form of video c.d.'s. Instead of going into a detailed assessment of these speakers, I think it will suffice to say that they quote the texts of the Hanafī `ulamā' – especially of the `ulamā' of Deoband – and commit the same treacheries which were committed by Arshad al-Qādrī Sāhib in his famous book, *Zalzalāh*.

They constantly commit the fabrication of saying that the `ulamā' of Deoband and those who are attached to them commit the polytheistic act of seeking help from graves and the friends of Allāh. They present certain incidents and quotations which never meant this.

It is a lengthy task to quote those texts and explain their correct meanings, and this is not the place for it. However, if a person were to read the clear writings of the ‘ulamā’ of Deoband on this subject – writings which are easily accessible and not concealed from anyone – he can never attribute such polytheism to them even by mistake. We present an easy to understand point over here. If a person who has a little knowledge about the Indo-Pak Subcontinent possesses a little bit of sincerity and integrity, then before he can make such an accusation, he will think a thousand times and ask himself: Who were the ones to do battle against polytheism and innovations in this huge Subcontinent? It was none other than these ‘ulamā’ of Deoband who waged jihād against praying at the graves of the pious, asking them for the fulfilment of needs and other innovations. Prior to the Deoband movement, the entire Subcontinent was immersed in innovations and un-Islamic customs. The masses considered Dīn to entail nothing but seeking help from the pious and praying to them. The call to tauhīd and the Sunnah spread on a mass level through the movement of Hadrat Sayyid Ahmad Shahīd *rahimahullāh* and Shāh Ismā‘īl Shahīd *rahimahullāh*. You ought to know that these personalities were spiritual masters of Sufism. The ‘ulamā’ of Deoband had their pledges of bay‘ah to these very same spiritual lineages. The surprising thing is that the Ahl al-Hadīth movement of the Subcontinent first accepted these same personalities as their forbears and leaders.

This group of reformation and rectification which is attributed to Deoband has given rise to countless religious organizations and *madāris* throughout the world. The latter are really fruits of that verdant tree. Today, millions of people are aligned to these lineages. Can anyone prove that these people worship graves, circumambulate them and ask them for the fulfilment

of their needs! The Deobandī creed which is accused of paganism and asking others apart from Allāh *ta`ālā* for the fulfilment of needs is not living in some cave. It is in India itself, and it is now the largest and widest movement for Islamic propagation and reformation in the world. Have you ever seen its representatives or those who are attributed to it ever praying to graves? Allāh *ta`ālā* is witness, and all the pulpits of the *masājid* of the world are witnesses that the `ulamā' of this creed – wherever they may be throughout the world – call towards beseeching Allāh *ta`ālā* alone for the fulfilment of one's needs. It is because of this firm stand of theirs that they are accused of disrespect towards Rasūlullāh *sallallāhu `alayhi wa sallam* and the close friends of Allāh *ta`ālā*.

Had it not been simply a case of factional attitudes, then those who experienced any misunderstanding because of some text or incident [examples of which were quoted above], they would have thought to themselves that had these texts and incidents resulted in the same outcome as we are extracting, and these people too would have been proponents of praying to others apart from Allāh *ta`ālā*, and their followers would have committed acts of polytheism! They too would have supplicated for the fulfilment of their needs before graves and dead people! But we see the complete opposite; and this is seen by everyone. When even the most ardent grave worshipper joins the Tablīghī Jamā'at or any other circle which belongs to our [Deobandī] lineage, then the first effect which it has on this grave worshipper is that his pagan ways disappear from his life. There is therefore absolutely no doubt about the insincerity and deceit of those who quote certain texts of the `ulamā' of Deoband to prove that they too – like the Barelwīs - pray to graves and seek the fulfilment of their needs from them. There is no need whatsoever to provide any

further proof about their treachery. There is no doubt about the transgression and fabrication of those who accuse the Deobandīs of supplicating to others apart from Allāh *ta`ālā* and seeking their help.

The Saudi Arabian government, its 'ulamā' and its religious affairs' departments cannot be left unaccountable for this evil chain of events. We acknowledge the religious services of Shaykh Muḥammad ibn 'Abd al-Wahhāb and his followers. However, there are several expatriates working in the religious affairs departments of Saudi Arabia who are most impudent and insolent, and are dividing the Muslim community through the Saudi Arabian media. We quoted the terrifying text from *Do The 'Ulamā' of Deoband Belong to The Ahl as-Sunnah wa al-Jamā`ah?* previously – wherein it is stated that those who follow the Imāms are unbelievers and it is obligatory to kill them. This book was printed by the Ministry of Religious Affairs, Department of Propagation and Instruction of Saudi Arabia. Apart from this, I received a lecture titled: *Why Are Only The Qādiyānīs Unbelievers?* The speaker is a notorious insolent orator. In this lecture he tries to show that Mirzā Ghulām Aḥmad Qādiyānī has been singled out for criticism where as many senior scholars and leaders of the Ḥanafīs and Sufis have made blasphemous statements before him. While speaking in this vein, he claims that the famous Ḥadīth scholar, Mullā 'Alī Qārī *rahimahullāh*, Ḥadrat Mujaddid Alf Thānī *rahimahullāh*, Ḥadrat Gangohī *rahimahullāh*, Ḥadrat Shaykh al-Ḥadīth Maulānā Muḥammad Zakarīyyā *rahimahullāh* and the entire Deobandī group are unbelievers because they too deny the finality of prophet-hood and hold other blasphemous beliefs. These elders are constantly referred to as apostates and unbelievers. As for the

poor speaker's level of hooliganism and vulgar language, we can complain to none except Allāh *ta`ālā* about it.

This lecture has also been distributed under the auspices of the Department of Propagation and Instruction of Saudi Arabia. Lectures of this nature are constantly delivered in the various Saudi Arabian cities and towns under the auspices of the same department. There is one sole purpose of all these programmes, viz. to create hatred in the hearts of the emigrant workers and uneducated youngsters towards their 'ulamā' [in their respective countries such as India, Pakistan, Bangladesh]. These lecturers are all paid agents of the Saudi government and this divisive movement is working on the Saudi stage. The Saudi government cannot absolve itself of responsibility by claiming that this is the work of a few individuals. Rather, it is done through the government departments. In fact, in addition to those who are attached to the Saudi government, the movement against the four Madhāhib throughout the world is academically and monetarily funded by Saudi Arabia. The Saudi government itself is undoubtedly responsible for this extremism and fanaticism.

The purpose of these details is that we have to realize that we have to approach the Saudi government without any hesitation. The Saudi embassies must be clearly told that if Saudi Arabia wishes to defend and support the Ahl as-Sunnah (who have always been the followers of the four Madhāhib) and wants to assume the role of representative of the Ahl as-Sunnah, then it will have to put a stop to this movement. If not, Allāh *ta`ālā* will confer the honour of representing the Ahl as-Sunnah to some other nation and country.

When the true 'ulamā' of the world ascertained the legitimacy of the movement of Shaykh Muḥammad ibn 'Abd al-Wahhāb

in the spread of tauhīd and refutation of grave worship and other innovations, they looked up to his movement with appreciation. But now, the Muslims of the entire world, especially those who are very particular about issues concerning tauhīd and the Sunnah, and most eager about following the *Ṣaḥābah raḍiyallāhu ‘anhum* and the pious predecessors are particularly disappointed by this extremist movement in the name of Salafism.

The most painful and unfortunate thing is that in these times of misguidance and moral degeneration, the servants of Dīn have to waste their valuable time with these useless issues. They are forced to leave their positive religious and reformational works and fall into these intricate discussions. The Muslim nation is not performing ṣalāh. But these poor fellows are telling the youth that these people [the true ‘ulamā’] who are calling you towards ṣalāh, īmān, and goodness are enemies of the Sunnah of Rasūlullāh *ṣallallāhu ‘alayhi wa sallam* and their ṣalāh is not valid because they confer the status of Allāh and His Messenger to their Imāms. They are really pagans who appear to be Muslims. If you go near them, you will even lose the little īmān which you have.

The consequences of these divisive statements is that other groups are responding heatedly, and this is causing a lot of harm and damage.

This extremist and fanatical scenario was the driving force and impetus behind this book.

I consider it essential to make mention of another point. It is not appropriate to respond to extremism and fanaticism with extremism and fanaticism. One extremist view cannot be treated with another. The treatment of an illness does not

entail creating another condition of illness. This error results in an increase in illnesses. Although this approach enables one to vent one's rage and receive the support and backing of like-minded people, it certainly does not remove the misunderstanding of those who are prone to misunderstandings, nor does it bring satisfaction to those who are confused.

Unfortunately, this error is being committed and the harm which people want to cause the Muslim community is being caused. Although the brunt of this blame has to be borne by the group which initiated the transgression and which has been constantly accusing the other group of misguidance - and the responding group is also excused to a certain extent for being bitter - but if this approach is allowed to continue, it would cause major harm and damage to Islam and Muslims.

Several books in the Urdu language have been published on this subject. However, in my interaction with the youth, I realized that the doubts and misgivings which they are facing need to be handled in a simple manner which would appeal to them; and not to fall into too many fine academic discussions. Apart from demonstrating that Taqlīd and following the scholars is a natural inherent trait, this book pays particular attention to focussing on the fact that Taqlīd has been practised from the eras of the Ṣaḥābah *raḍiyallāhu `anhum* and Tābi`īn to this day by the entire Muslim nation. Therefore, the claim that the Imāms not be followed is an absolutely irrational claim.

Our Salafis proudly express their emulation of Shaykh al-Islam Ibn Taymīyyah and his student, Hāfiẓ Ibn al-Qayyim. From the time material and monetary support from Saudi Arabia commenced, our Salafis no longer attribute themselves

to Shāh Walī Allāh, his children and their academic progenies, but to the 'ulamā' of Najd. One point comes out very clearly from this study: Whether it is Shaykh al-Islam Ibn Taymīyyah, Hāfiẓ Ibn al-Qayyim, Shaykh Muḥammad ibn 'Abd al-Wahhāb or the other many scholars of Saudi Arabia which our Ahl al-Hadīth brothers follow, they all believe in Taqlīd. In fact, they themselves admit their alignment to the Hambalī Madh-hab.

I consider this to be the most important point of the book. Any unknowing reader will automatically realize that the manner in which the masses are being called upon to give up their juristical schools was never adopted by any noteworthy scholar in the past. This is an absolutely new movement for which there is no precedent in the Muslim community.

In chapter two, the balanced views of erudite scholars of all four Madhāhib with regard to Taqlīd are quoted. After reading them, there ought to be no further misunderstanding in this regard. It becomes clear from their statements that the Taqlīd which was proliferated by the 'ulamā' of the four Madhāhib was absolutely rational, natural and balanced. Hadrat Thānwī *rahimahullāh* and others have gone to the extent that if a Ahl al-Hadīth person does not consider Taqlīd to be unlawful, then there is nothing objectionable in his creed. He used to say: "This had been the creed of some scholars of the past."

If only we could find such accommodating and balanced texts from the 'ulamā' of the Ahl al-Hadīth wherein a moderate view is adopted and they say: If the Taqlīd of the four Madhāhib is pure from extremism, it is the general position and way of the Ahl as-Sunnah which has been coming down through the generations. Can any Ahl al-Hadīth scholar collate

such texts and statements? It will be a valuable service on their part through which they will find closeness with the large majority of the Muslim nation and the Ahl as-Sunnah.

This book calls towards a serious reflection and thinking on the subject of Taqlīd and the four Madhāhib. You will realize that its approach is neither confrontational nor antagonistic. Rather, an effort is made to provide the necessary material of conviction and satisfaction for an ordinary educated open-minded Muslim to realize that the vast majority of Muslims have always been obeying Allāh *ta'ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* in accordance with any one of the four schools. This is not paganism, unbelief and misguidance. I have tried – as far as possible – to never open the path to extremism and fanaticism; neither in my heart and mind, nor with my pen. I have full hopes in Allāh *ta'ālā* that anyone who studies this book with a view to searching for the truth with an open mind and ponders over the discussions in it will find all his doubts removed. Neither is debating the objective nor is there any intention of counter-replies and refutations. Those who desire such things can give up their hopes. However, if any person seriously wants to ask a question or bring attention to an academic point, it will certainly be considered; and if there is any need to say anything, it will be said.

I had been perceiving the need to write on this subject since quite some time. However, my lethargy and disorganized occupations delayed the entire process. The honourable Hadrat Maulānā 'Abd al-Qawī Sāhib (deputy patron of Majlis 'Ilmīyyah Hyderabad) requested me to present something on this subject before an assembly of 'ulamā'. My presentation differed from the normal refutations and rebuttals, and was therefore considered to be quite convincing. Several 'ulamā'

immediately asked for it to be published. Hadrat Maulānā himself, out of his love and affection, requested me to prepare it for publication. His loving requests got the better of my laziness and lack of courage. May Allāh *ta`ālā* reward him with the best of rewards.

Finally, I pray to Allāh *ta`ālā* to safeguard us against every type of extremism and fanaticism, and to make us the means of assembling the members of the Muslim nation on the truth and guidance.

Yaḥyā Nu`mānī

Al-Ma`had al-`Ālī li ad-Dirāsāt al-Islāmīyah, Lucknow

9 Dhū al-Hijjah 1433 A.H./25 October 2012

## CHAPTER ONE

### SECTION ONE

#### THE REALITY OF TAQLID AND ITS STATUS IN THE SHARIAH

No one can doubt the fact that the foundation of Islam rests on absolute obedience to Allāh *ta`ālā* and His Messenger *sallallāhu `alayhi wa sallam*. The very word, Islam, means “submission” and “lowering one’s self before Allāh”. The only one possible way of obedience to Allāh *ta`ālā* is to obey Him and His Messenger *sallallāhu `alayhi wa sallam* with genuine *īmān* and conviction, and without any “whys and wherefores”. Allāh *ta`ālā* sent Rasūlullāh *sallallāhu `alayhi wa sallam* with the sole objective of conveying His religion and His injunctions to humanity. To put it in another way, the foundation of Islam is based solely on obedience to Allāh *ta`ālā*, and the means for it is obedience to Rasūlullāh *sallallāhu `alayhi wa sallam*. The Qur’ān proclaims this fact, Rasūlullāh *sallallāhu `alayhi wa sallam* clearly invited to it, and the Imāms explained it fully in every era.

The Qur’ān states that obedience to Rasūlullāh *sallallāhu `alayhi wa sallam* entails obedience to Allāh *ta`ālā*:

مَنْ يُطِيعِ الرَّسُولَ فَقَدْ أَطَاعَ اللَّهَ

*Whoever obeys the Messenger has certainly obeyed Allāh.*

Elsewhere the Qur’ān states that the purpose behind commissioning the Messenger is so that he is obeyed in line with the orders of Allāh *ta`ālā*.

وَمَا أَرْسَلْنَا مِنْ رَّسُولٍ إِلَّا لِيُطَاعَ بِإِذْنِ اللَّهِ

*Every Messenger We sent with the sole purpose of being obeyed by the permission of Allāh.*

In yet another place the Qur'ān states that it is impossible for a person who is a believer to waver and hesitate in accepting the injunctions and decisions of Allāh and His Messenger.

وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ

*It is not for a believing man and a believing woman to have personal choices in a matter which has been decreed by Allāh and His Messenger.*

The Qur'ān explains this fact by saying that when the believers are called towards the decisions of Allāh and His Messenger, they respond spontaneously by saying that they have obeyed.

إِنَّمَا كَانَ قَوْلَ الْمُؤْمِنِينَ إِذَا دُعُوا إِلَى اللَّهِ وَرَسُولِهِ لِيَحْكُمَ بَيْنَهُمْ أَنْ يَقُولُوا سَمِعْنَا وَأَطَعْنَا.

*When the believers are called on to Allāh and His Messenger to pass judgement on them, their sole response ought to be: We hear and we obey.*

This unconditional and absolute obedience to Allāh *ta'ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* is mentioned in several places in the Qur'ān. The gist of all these verses is mentioned in the verse wherein it is stated that if anyone does not make Allāh *ta'ālā* and the Messenger as his judge and decision maker, and considers the judgement and decision of others to be superior and better, then such a person is an unbeliever. He

is on the religion of Jāhiliyyah and out of the circle of Allāh's obedience. For example, Allāh *ta`ālā* says:

وَمَنْ لَّمْ يَحْكَمْ بِمَا أَنزَلَ اللَّهُ فَأُولَئِكَ هُمُ الْكَافِرُونَ

*Whoever does not rule in accordance with what Allāh revealed, then it is such who are the real unbelievers.*

Rasūlullāh *sallallāhu `alayhi wa sallam* clarifies this by saying:

لَا طَاعَةَ لِمَخْلُوقٍ فِي مَعْصِيَةِ الْخَالِقِ

*Obedience to the creation is not lawful if it entails disobedience to the Creator.*

### **Why Should Taqlīd be Made of The 'Ulamā' and Imāms in Matters Pertaining to The Sharī'ah?**

If we have been essentially ordered to obey the orders of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*, why should Taqlīd be made of the 'ulamā' and Imāms in matters pertaining to the Sharī'ah? In order for us to understand this, it is essential for us to bear the following in mind:

The injunctions of the Sharī'ah are of two types:

1. Issues regarding which we find clear-cut rulings from Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*. These are rulings which can be understood by any person of average understanding and intelligence. Moreover, the Qur'ānic and Hadīth texts with regard to such rulings do not contain any obvious contradiction. The Muslim nation does not have any real difference of opinion in understanding these issues. The central and fundamental portion of Islam is based on such

injunctions and constitute the fundamental rulings of Islam. There is no need to make Taqlīd of anyone for these injunctions. Every person accepts, directly, whatever ruling of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* reached him.

2. Issues regarding which there is the possibility of more than one meaning in the words of the Qur`ān and Hadīth, or there is some apparent contradiction between Ahādīth on the subject. Although there is a considerable number of such injunctions, they do not hold a fundamental and essential position as is the case with the previous category. This is the reason why there are juristical differences regarding them which started from the era of the Sahābah *radiyallāhu `anhum*.

Due to the differences in many of the texts of the Qur`ān and Hadīth as regards acts of worship and dealings, we find differences among the Imāms and `ulamā` in this regard. These differences have been coming down through the generations and agreement could not be reached to this day.

The question which comes up at this point is that in the case where there are differences between Ahādīth and one clear injunction cannot be deciphered, how can an ordinary person know how to obey Allāh and His Messenger, and how to fulfil the injunctions of the Sharī`ah?

Bearing in mind that there is room for more than one type of proof in this second category and there is difference of opinion among the `ulamā` on the subject, an ordinary person who does not have knowledge of the Qur`ān, Sunnah and jurisprudence on the level of an Imām and Mujtahid, then the only natural thing for him to do is to follow the opinion of an

`ālim whose knowledge and piety he has confidence in. This is exactly what Taqlīd is all about.

### **The Reality of Taqlīd**

Taqlīd is essentially: To practise on the opinion or fatwā of an `ālim without even knowing that `ālim's or Imām's proof due to one's own academic deficiency. Or, if the proof is known, the person cannot decide why this Imām's opinion is preferred to the opinion of another Imām. Furthermore, this Muqallid does not consider the opinion of the Imām to be a proof of the Sharī`ah which, in the case of not accepting it, would entail a sin.

We request the reader to read the above paragraph again because once the reality of Taqlīd is known, all objections will be removed. The `ulamā' say:

التقليد العمل بقول من ليس قوله إحدى الحجج بلا حجة منها!

*Taqlīd means practising on the opinion of a person whose opinion is not one of the proofs [of the Sharī`ah] without asking him for a proof.*

The person who practises on this does it solely on the basis that the `ālim or Mujtahid whose opinion he is following is showing him the ruling of the Sharī`ah in the light of his own knowledge.

Without much thinking and pondering, any person can understand that the vast majority of the Muslim nation does not even understand Arabic. Those who do understand it have not acquired formal knowledge of the Sharī`ah.<sup>2</sup> When it

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<sup>1</sup> تيسير التحرير، ٤/٣٥٢.

<sup>2</sup> In today's times, even the knowledge of people like us who are known as `ulamā' is not worthy of consideration.

comes to contentious issues, there is only one way for such people to obey the orders of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*. That is, they must practise on the opinion on an `ālim. As regards issues regarding which there is absolutely no room for differences, that `ālim will convey the orders of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* in a manner in which there is no interference of any opinion. As for those in which there is room for Ijtihād and differences of opinion, he will teach the ruling in accordance with his opinion and understanding, and the one who asks him will place his reliance on him, consider it to be a ruling of the Sharī`ah and accept it from him. This is an absolutely natural and obvious reality and, as will be detailed later on, has been practised since forever by the Muslim nation. The masses, whether they are from the Ahl al-Ḥadīth or followers of the four Madhāhib, have always been making this Taqlīd.

To clamour and make misleading statements that the sources of Islam are only the Qur`ān and Sunnah, we have been commanded to obey them only, and that Taqlīd entails following the four Madhāhib in opposition to Allāh and His Messenger, and so on – these are all incoherent statements and ramblings of a person who is deprived of equity and justice. We will explain further on that in no way does Taqlīd entail following the ruling of another human to the exclusion of Allāh and His Messenger. All it means is that where an ordinary person cannot come to a decision on contentious and subsidiary rulings, he accepts the opinion of an Imām with the understanding that he is conveying the order of Allāh and His Messenger to him.

It is certainly extremist to quote the following verse in order to show that Taqlīd is incorrect:

إِتَّبِعُوا مَا أَنْزَلَ إِلَيْنَا مِنَ الْكِتَابِ وَلَا تَتَّبِعُوا مِنْ دُونِهِ أَوْلِيَاءَ

*Follow only that which has been revealed to you from your Sustainer and do not follow any associates other than Him.<sup>1</sup>*

This verse clearly prohibits casting aside the Qur'ān and Sharī'ah of Rasūlullāh *ṣallallāhu `alayhi wa sallam* and accepting the orders of one's rulers and chiefs who are ordering towards polytheism, idol-worship and unbelief. (Refer to *Tafsīr Tabarī* for details)

We do not call for any extremism. We consider confrontational and divisive practices (no matter who commits them) to be detrimental. When, instead of search for the truth, the objective becomes bringing popularity to one's own group and putting down others through every possible correct or incorrect logic, then this partisan extremism and radicalism puts an end to balance in one's temperament and removes equity in one's intention. All this is most harmful to the Muslim nation in itself, and also taints the person's mind and removes the light from his heart. It is sad to say that we have succumbed to all this.

At this point, we wish to say without any bias to any side, that after learning the reality of Taqlīd as explained above, if anyone says:

Individual Taqlīd is similar to considering an Imām to be a Prophet.<sup>2</sup>

Then this is absolutely unfortunate, misplaced, unjust and extremist. Which sound-minded person will not refer to such

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<sup>1</sup> Sūrah al-A'rāf, 7: 3.

<sup>2</sup> Muḥammad Jaunāgarhī: *Aḥnāf Aur Ahl al-Ḥadīth Kā Farq*, p. 8.

people as the most extremist, fanatical and narrow-minded people?!

### **The Extent of Taqlīd**

What are the things in which Taqlīd is made? In our previous discussion, we mentioned in passing that Taqlīd has one limited circle. There is no need for Taqlīd in the central portion of Dīn which comprises of its absolute and definitive injunctions. Every person receives the injunctions of Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam* through the continued practical practices of the Muslim nation, the absolute chains of narrations and the unanimous decisions of the Muslim nation. And he practises on them without making Taqlīd of anyone.

This is the essential and fundamental part of the injunctions of Islam. For example, fundamental beliefs about the essence of Allāh *ta`ālā*, His names and His attributes; belief in the Hereafter, Paradise and Hell; the reality of messenger-ship, the unconditional obedience to Rasūlullāh *ṣallallāhu `alayhi wa sallam*; the obligation of acts of worship such as ṣalāh, zakāh, fasting and ḥajj; the pillars of these different acts; the acts of worship which are related to the heart and which are the cores and souls of Islam; e.g. love and fear for Allāh *ta`ālā*, submission, piety, patience, reliance, contentment, abstinence, self-sacrifice, good counsel; the teaching of good character, in other words, what do we mean by good character, what do we mean by bad character, honesty, trustworthiness, giving preference to others over one's self, kindness, humility, concern for fellow humans, and so on. All details concerning good character form part of the fundamentals of Islam. A religious life is constructed through them and this is the life

and soul of Islamic life. We can safely say that there are no real differences with regard to all this.

On the other hand, we get those issues which the 'ulamā' refer to as "*ijtihādī masā'il*" or "*mujtahad fihi masā'il*". These are the issues regarding which the Sahābah radiyallāhu 'anhum and Imāms have different opinions. In the definition of the 'ulamā', "*ijtihādī masā'il*" refer to those issues in which there can be more than one narration. Bear in mind that Taqlīd is only made in these issues.

The well-known scholar of the science of Hadīth, Imām Khaṭīb Baghdādī *rahimahullāh*, writes:

الأحكام الشرعية ضربان: أحدهما يعلم ضرورة من دين الرسول صلى الله عليه وسلم كالصلوات الخمس، والزكاة، وصوم شهر رمضان، والحج، وتحريم الزنا، وشرب الخمر، وما أشبه ذلك، فهذا لا يجوز فيه التقليد... وضرِبَ آخر لا يعلم إلا بالنظر والاستدلال كفروع العبادات والمعاملات والفروج والمناكحات وغير ذلك من الأحكام، فهذا يسوغ فيه التقليد بدليل قول الله تعالى: فاسئلوا أهل الذكر إن كنتم لا تعلمون. ولأننا لو منعنا التقليد في هذه المسائل التي هي من فروع الدين لاحتاج كل أحد أن يتعلم ذلك، وفي إيجاب ذلك قطع عن المعاش وهلاك الحرث والماشية، فوجب أن يسقط.<sup>1</sup>

*Injunctions of the Sharī'ah are of two types: (1) Those which are the essentials of Dīn, e.g. the five daily ṣalāhs, zakāh, fasting in the month of Ramaḍān, ḥajj, the prohibition of adultery, the prohibition*

<sup>1</sup>الفقيه والمتفقه، ٤١٦.

of consuming alcohol and so on. Taqlīd is not permissible in them (nor is it done in them).

(2) Those which can only be ascertained by studying them and obtaining proofs for them. These include the subsidiary issues in acts of worship, transactions, social relationships and so on. Taqlīd in such matters is permissible based on the instruction of Allāh: "Ask those of knowledge if you do not know." If we were to prohibit Taqlīd in these subsidiary issues, every person will have to study them. If we had to impose on every single person to learn them, this would result in shortfalls in earning livelihood and the destruction of crops and cattle. Such a ruling [of prohibiting Taqlīd] can therefore not be given.

### **A Simple Way to Recognize Ijtihādī Issues**

The reader must bear in mind that the differences which exist among the four Madhāhib are with regard Ijtihādī issues in which differences are permissible. These are the very issues regarding which an ordinary person makes Taqlīd of an Imām or `ālim. The question which comes up is that which are those issues and rulings which are Ijtihādī and concerning which there can be different opinions and views? The most glaring sign and indication is that the `ulamā' who are on the truth differ with regard to those issues. The issues on which the Imāms differ and the people of the Madhāhib and Imāms still differ even after the presentation of proofs for the different views is a clear proof that the proofs of the Qur'ān and Ḥadīth are of such a nature that there is the possibility of both views being correct; notwithstanding the fact that one scholar may consider one view to be more correct and the other one less.

This point could be understood through an example. According to Imām Shāfi'ī *rahimahullāh* it is obligatory for a person following an Imām in ṣalāh to read Sūrah al-Fātiḥah,

while this is not the case according to the Hanafīs, Mālikīs and Hambalīs. Assuming one group's proofs were so absolute and certain that the other view was completely wrong, how could it be possible for the Imāms to differ on it? Allāh forbid, were those Imāms so irreligious and fearless of Allāh *ta`ālā* that they were prepared to proliferate a wrong method in the Muslim community and cause the ṣalāh of millions of people to be invalid!?

Never! Yes, a person of little understanding could say that the authentic proofs may not have reached them at the time. We would like to make two points in this regard.

(1) We can accept that with regard to certain issues, a Hadīth may not have reached an Imām. But can this be envisaged for thousands of issues? If the answer is yes, why is the Muslim nation accepting those people as Imāms? Our "dear brothers" claim that the Imāms erred on not just 10-15 issues, but on thousands. If these people erred on countless issues of the Sharī`ah, then let alone being unanimously accepted as the greatest Imāms of jurisprudence and the Sharī`ah, they should not be accepted as even average scholars.

(2) Let's assume a certain Hadīth did not reach Imām Abū Hanīfah *rahimahullāh*, Imām Shāfi`ī *rahimahullāh* and others, but as time went on, each of the different groups began presenting their respective proofs, books of Aḥādīth were compiled and became common, many 'ulamā' of each of the Madhāhib wrote proofs for their respective Madh-hab; then this question does not even come up that a certain proof on the obligation of reading Sūrah al-Fātiḥah behind the Imām has remained concealed. If a certain view was definitely correct and the other was definitely wrong, then the latter 'ulamā' –

many of whom were erudite scholars – would have reverted to the truth. However, we see that thousands of ‘ulamā’ still maintain their view. Were they such enemies and hypocrites of Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam* that they continued misleading the Muslim nation despite the truth having been presented to them?

If, by Allāh’s inspiration, a person has got a balanced mind, this one example will be enough for a person to accept with full confidence that the differences among the four Madhāhib are generally on the basis of Ijtihād wherein there is scope for more than one opinion. No matter which one a person accepts, he will be on the truth.

### **Taqḷid-A Natural Necessity**

One important aspect comes to light from the previously-quoted discussion of Imām Khaṭīb Baghdādī *rahimahullāh*, viz. Taqḷid is a natural necessity. It is a very difficult and laborious task to develop insight on contentious issues and to then give preference to one particular view on one’s own. This requires full-time academic work. Few people are able to reach this rank even after spending entire lives. The vast majority of the masses cannot reach this level nor can they be instructed to do it. It is therefore a natural necessity to permit them to make Taqḷid of the ‘ulamā’ and Imāms.

### **Those Who Reject Taqḷid Also Make Taqḷid**

In fact, it is such a clear matter that those who reject Taqḷid cannot deny the fact that their masses, in fact even most of their ‘ulamā’, follow their ‘ulamā’ without knowing the proofs. If they were to say that no, when their ‘ulamā’ explain a ruling, they also provide the proof for it, then our reply is that this cannot be correct because every scholar does not provide a proof every time he explains a ruling. Secondly and

more importantly, how can the masses understand the proofs for the contentious issues? To possess such a level of knowledge whereby a person is satisfied at giving preference to one view and convinced of the weakness of the proofs of the other views requires a lengthy formal education, an extensive study and an insightful gaze. Without this, merely providing proofs to an ordinary person will not enable him to acquire any knowledge. The only thing he can do is assure himself that the Imām or scholar whose opinion I am accepting is showing me the injunction of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*, and I am practising on it after considering it to be the Sharī`ah. This is nothing but Taqlīd. Muslims of the entire world are practising on the Dīn of Allāh *ta`ālā* and the Sharī`ah of Rasūlullāh *sallallāhu `alayhi wa sallam* in this manner. The Ahl al-Ḥadīth themselves are doing the same thing. It is therefore a deception to claim that “the Ahl al-Ḥadīth do not make Taqlīd, they follow the Qur`ān and Sunnah”. Whether it is the Ahl al-Ḥadīth or followers of the four Madhāhib – both groups are making Taqlīd of their `ulamā’.

### The Qur`ān and Taqlīd

Countless `ulamā’ prove the need for Taqlīd through the following verse:

فَسْئَلُوا أَهْلَ الدِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

*If you (yourself) do not know, ask those who have knowledge.*<sup>1</sup>

The famous Mālikī scholar, Ḥāfīz-e-Ḥadīth Ibn `Abd al-Barr *rahimahullāh* is from among those `ulamā’ who considered this verse to indicate the obligation of making Taqlīd of the

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<sup>1</sup> Sūrah al-Ambiyā’, 21: 7.

Imāms.<sup>1</sup> It is generally misunderstood that he rejected the permissibility of Taqlīd. In the recent past, the Saudi scholar, Ibn `Uthaymīn, also uses this verse as proof to show the compulsion of Taqlīd for the masses.<sup>2</sup>

### **A Large Number of Muqallids During The Era of The Sahābah**

We learnt from the above discussion that Taqlīd simply means that those who do not have the ability to derive rulings by themselves on subsidiary issues which can only be learnt through Ijtihād and deciphering must accept the opinion or fatwā of an `ālim without knowing its proof. This is a clear and natural need without which the functioning of our life is not possible and for the masses to follow the Sharī`ah is impossible. This is why we see Taqlīd becoming common during the very era of the Sahābah radiyallāhu `anhum. People used to ask the `ulamā' for rulings. The `ulamā' among the Sahābah would issue fatwās and give rulings without providing proofs from the Qur`ān and Sunnah. Since the masses could not understand Ijtihādī and contentious issues, they used to accept what the `ulamā' said by placing their trust in them. Juristical questions which were posed to the Sahābah radiyallāhu `anhum and their fatwās are found in large numbers in Hadīth collections especially in *Muwattā Imām Mālik, Kitāb al-Āthār, Muṣannaf Ibn Abī Shaybah* and others. At least half of all these rulings and fatwās make no mention of any proofs. This is the reality of Taqlīd. We will suffice with a few examples here.

1. Sahīh Bukhārī quotes a narration of Hadrat Aswad ibn Yazīd who said:

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<sup>1</sup> Refer to *Jāmi` Bayān al-`Ilm*, vol. 2, p. 115.

<sup>2</sup> Refer to *al-Uṣūl min `Ilm al-Uṣūl*, vol. 1, p. 87.

أتانا معاذ بن جبل باليمن معلماً وأميراً، فسألناه عن رجل  
توفي وترك ابنته وأخته، فأعطى الإبنة النصف والأخت  
النصف.<sup>1</sup>

Mu`ādh ibn Jabal radiyallāhu `anhu came to us in Yemen as a teacher and a governor (on behalf of Rasūlullāh sallallāhu `alayhi wa sallam). We asked him as to how the inheritance should be distributed of a man who left behind one daughter and one sister. He issued the ruling of half a share for each one.

Look carefully! Neither did the questioners ask for any proof from the Qur`ān and Hadīth nor did this Sahābī who was a jurist, Hadīrat Mu`ādh ibn Jabal *radiyallāhu `anhu*, see the need to provide a proof to them. The masses followed his ruling without knowing the proof. This is Taqlīd. The Sahābah *radiyallāhu `anhum* used to make Taqlīd and made others do the same.

2. Hadīrat Sālim ibn `Abdillāh ibn `Umar relates with regard to his father, Hadīrat Abdullāh ibn `Umar *radiyallāhu `anhu*, that he was asked: A person owes something to another person and the time for repayment has been specified. Can the creditor write off a certain amount of what he is owed on the condition that the payment is made

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<sup>1</sup>صحيح البخاري رقم ٦٧٣٤.

before the due date? Hadrat `Abdullāh said no, and considered it impermissible.<sup>1</sup>

Here too we see Hadrat `Abdullāh ibn `Umar *radiyallāhu `anhu* merely issuing a fatwā without providing a proof and the questioner too did not ask for it. As we stated before, there are countless examples of this nature – where, during the era of the Sahābah *radiyallāhu `anhum* – a scholar merely issued a ruling without providing a proof. This is Taqlīd. If it was unlawful (harām) to accept a person’s opinion without proof [in other words, to make Taqlīd], or – according to some ignoramuses had it been an act of polytheism – there would have been no way for the Sahābah *radiyallāhu `anhum* to merely give a ruling without providing a proof from the Qur’ān and Hadīth.

#### **Following a Specific Madh-hab During The Era of The Sahābah**

Hadrat Shāh Walī Allāh Dehlawī *rahimahullāh* has written that during the era of the Sahābah *radiyallāhu `anhum* the foundations for this positive and wise practice were laid in the sense that the people of each region made Taqlīd of an `ālim of their region or of a creed which was prevailing there.<sup>2</sup>

The Muslim nation inherited this excellent practice from the Sahābah *radiyallāhu `anhum* and the pious predecessors where one creed generally prevailed in a region. Details in this regard will be provided further on. Anyone who has a bit of knowledge about the statements of the jurists and the juristical legacy of our predecessors will testify to this practice.

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<sup>1</sup>الموطأ للإمام مالك، رقم: ۱۳۵۲.

<sup>2</sup>حجة الله البالغة: باب الفرق بين أهل الحديث وأهل الرأي.

For example, a narration of Sahīh Bukhārī states that there was a difference of opinion on a certain issue between Ḥaḍrat `Abdullāh ibn `Abbās radiyallāhu `anhu and the Sahābī `ālim of Madīnah, Ḥaḍrat Zayd ibn Thābit radiyallāhu `anhu. When the people of Madīnah asked the ruling from Ḥaḍrat `Abdullāh ibn `Umar radiyallāhu `anhu, he gave his answer. According to a narration of Sahīh Muslim, he also provided a Ḥadīth as a proof for his answer. However, the people of Madīnah said:

لا نأخذ بقولك وندع قول زيد

*We will not cast aside the opinion of Zayd ibn Thābit for your opinion.*

The people of Madīnah eventually investigated the opinion of Ḥaḍrat Zayd ibn Thābit radiyallāhu `anhu and the narration, and when their investigation showed that the opinion of Ḥaḍrat `Abdullāh ibn `Abbās radiyallāhu `anhu was correct, Ḥaḍrat Zayd ibn Thābit radiyallāhu `anhu and the people of Madīnah retracted from their original opinion.

Three points are learnt from the above:

1. If another scholar issues a fatwā against your own Imām's or scholar's opinion and provides a Ḥadīth as proof, it ought to be investigated. If the issue is simple and clear (as was in the above-quoted issue where Ḥaḍrat Zayd radiyallāhu `anhu did not know the Ḥadīth and the fatwā of Ḥaḍrat `Abdullāh ibn `Abbās radiyallāhu `anhu was correct), then the obvious reaction will be for the scholar to retract from his opinion. This is what happens among the four Madhāhib as well. If the latter `ulamā' felt that the view of their Imām was

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<sup>1</sup>صحیح البخاری، رقم: ۱۷۵۸.

based on a clear misunderstanding, they left that view and followed the other opinions.

2. If the issue is not absolutely clear, in other words, the scholar whose Taqlīd the masses are making, if he considers his own proof to be strong and his own fatwā to be better despite learning the proof of the other opinion, this obviously means that there is room for both opinions. In such a situation, a person with the least amount of intelligence will not say that the people belonging to a certain circle – although such people are masses, ignorant, do not have the ability to understand the intricacies of Sharī proofs - ought to cast aside the opinion of their ‘ulamā’.<sup>1</sup>

This has been the practice of the Imāms and ‘ulamā’ of every era. They consider their opinions on contentious juristical issues to be preferred, they provide detailed proofs for their views in their books and academic discussions, and also show the weaknesses in the views of other ‘ulamā’. But they will never say to those who make Taqlīd of the other ‘ulamā’ that you are acting against the Qur’ān and Sunnah, you must cast aside the creed of your ‘ulamā’.<sup>2</sup> Now if anyone orders those who follow one of the four Madhāhib and says to them: “You must give up the Taqlīd of your Imāms and ‘ulamā’ because

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<sup>1</sup> It must be clear that this applies to issues regarding which there have always been differences among the past scholars, especially the *Sahābah raḍiyallāhu ‘anhum* and the imāms. As for the innovations and incorrect views which are not mandated by the *Sahābah raḍiyallāhu ‘anhum*, imāms and Ahl as-Sunnah – these certainly have to be cast aside.

<sup>2</sup> It must be borne in mind that in the definition of jurisprudence, an ignorant person refers to every such person who does not have the capability of Ijtihād.

they are saying things which are against the Qur'ān and Sunnah, and what I am saying is correct and in line with the Qur'ān and Sunnah" (while the 'ulamā' of those Madhāhib continually state that their opinions are also based on proofs), then this can mean only one thing, i.e. they are inviting people to their own Taqlīd but in the name of the Qur'ān and Sunnah.

We respectfully say to such people: "Please excuse us, we consider it better to make Taqlīd of the Imāms than to follow you and to follow such and such person. When it comes to the masses, there is only one way of following the Sharī'ah in contentious juristical matters, and that is to place one's trust on the opinion of a reliable Imām and to follow him and make his Taqlīd. We have more confidence in the four Imāms and the Imāms of the past than we have in you. We are convinced that this is the approved way of the Imāms of the past, the Ṣahābah, the Tābi'ūn, the Ḥadīth scholars, the jurists and the 'ulamā' of the Ahl as-Sunnah." This wise accommodating attitude is found in the 'ulamā' of the past. We see in the past eras that people of each region followed the juristical school of that region, and the Imāms never stopped them from following their respective Madhāhib and their 'ulamā'. We will relate clear examples in this regard.

3. The third point which is learnt from this incident is that the practice of Taqlīd – in fact, Individual Taqlīd – was already in vogue during the era of the Ṣahābah radiyallāhu 'anhum. The people of Madīnah clearly said to Ḥadrat 'Abdullāh ibn 'Abbās radiyallāhu 'anhu: "We will follow the opinion of Ḥadrat Zayd and not yours."

### **Ibn 'Uthaymīn Acknowledges The Taqlīd of Ṣahābah**

Taqlīd is a natural necessity which was found in existence in every era. All justice-seeking scholars acknowledge this. A

distinguished scholar from the school of Shaykh Muḥammad ibn `Abd al-Wahhāb, Shaykh Muḥammad ibn Sāliḥ al-`Uthaymīn (who is considered to be the most senior scholar in Saudi Arabia after Shaykh Ibn Bāz *rahimahullāh*), clearly states:

التقليد في الواقع حاصل من عهد الصحابة رضي الله عنهم، ولا شك أن من الناس في عهد الصحابة وإلى عهدنا هذا من لا يستطيع الوصول إلى الحكم بنفسه لجهله وقصوره، ووظيفة هذا أن يسأل أهل العلم، وسؤال أهل العلم يستلزم الأخذ بما قالوا، وهو التقليد.

*The fact of the matter is that Taqlīd was existent since the era of the Sahābah radiyallāhu `anhum. Undoubtedly, there are people since the era of the Sahābah radiyallāhu `anhum to our era who cannot access a ruling by themselves due to their ignorance and own shortcomings. It is the duty of such people to ask those of knowledge. Asking the people of knowledge necessitates accepting and following what they say. This is what Taqlīd is all about.*

### **Another Example of Individual Taqlīd During The Era of The Sahābah**

Individual Taqlīd, i.e. following the opinion of one particular scholar and not of any other scholar, was found during the era of the Sahābah radiyallāhu `anhum.

Haḍrat `Abdullāh ibn Mas`ūd radiyallāhu `anhu was the most senior scholar of Kūfah. It was during the same time when some people asked Haḍrat Abū Mūsā Ash`arī radiyallāhu `anhu a ruling related to inheritance. He issued a fatwā without providing any proof for it. However, he did say: “Ask Ibn Mas`ūd about it and he too will say the same thing.” When the

people went to Hadrat `Abdullāh ibn Mas`ūd *radīyallāhu `anhu* and asked him, he replied: “If I were to issue a fatwā in line with that of Abū Mūsā Ash`arī, I will go astray.” There was a Hadīth of Rasūlullāh *sallallāhu `alayhi wa sallam* on the issue and Hadrat `Abdullāh ibn Mas`ūd *radīyallāhu `anhu* passed a verdict in line with it.

When the people went back to Hadrat Abū Mūsā Ash`arī *radīyallāhu `anhu* and informed him, he replied:

لا تسألوني عن شيء ما دام هذا الحبر فيكم

*Do not ask me anything as long as this Imām is present among you.*

The only meaning of this statement of Hadrat Abū Mūsā Ash`arī *radīyallāhu `anhu* is that the people of Kūfah must leave the opinions of all other `ulamā' and practise only on the opinions of Hadrat `Abdullāh ibn Mas`ūd *radīyallāhu `anhu*.

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<sup>1</sup>صحيح البخاري، رقم ٦٧٣٦. السنن الكبرى للبيهقي، ٢٢٩/٦.

## SECTION TWO

### OPINIONS OF PAST AND PRESENT SCHOLARS ON THE ISSUE OF TAQLID

#### The Muslim Nation Unanimously Accepts Taqlīd

Based on the reality of Taqlīd as explained in the previous section, it becomes clear that Taqlīd is a natural need for the masses and average scholars. It was also demonstrated that proof for Taqlīd is found since the era of the Sahābah *radīyallāhu `anhum*.

In this present section we will see that apart from the Mu`tazilah, the `ulamā' of all levels and groups of the Muslim nation accept the need for Taqlīd. All the `ulamā' of the Ahl as-Sunnah of all eras of Islamic history are of the view that the masses must make Taqlīd of their `ulamā'. No person whose intellect and mind have not been covered by the veils of extremism and fanaticism can deny this fact that during the last fourteen centuries of Islamic history, not a single `ālim – who enjoyed general acceptance among the Muslims and to whom Allāh *ta`ālā* blessed with the truth – ever forbade Taqlīd in general and Taqlīd of the Madhāhib. This single point is sufficient to convey a person to a balanced view on this subject – obviously provided the inspiration of Allāh *ta`ālā* is with him. Any person possessing the slightest share of a sound mind and not succumbing to any extremism will fear – a thousand times – deviating from the unanimous view of the `ulamā' and Imāms.

During the eras of the Sahābah *radīyallāhu `anhu* and Tābi`īn, and before the formation of the four Madhāhib and their proliferation among the Muslims, we find that all the `ulamā'

accept general Taqlīd. Thereafter, when – through the will and wisdom of Allāh *ta`ālā* – the four Madhāhib came into vogue among all the true groups of the Muslim nation and the entire Muslim nation unanimously accepted Taqlīd, we see all the ‘ulamā’ of Dīn and the leaders of knowledge and īmān collectively accepting Taqlīd of the Madhāhib for the masses.

If the statements of all the scholars were to be collated, ten volumes will probably not suffice for this purpose. We will quote the statements of just a few scholars to serve as examples. We will pay particular attention to the statements of Shaykh al-Islam Ibn Taymīyyah *rahīmahullāh* and a few other ‘ulamā’ of his creed because their leadership and the correctness of their beliefs and creed is acknowledged also by those of our brothers who err on the issue of Taqlīd and who unnecessarily cause confusion and partisanship among the masses.

1. Someone asked Hadrat ‘Aṭā’ Tābi’ī: “What is the ruling with regard to reading Sūrah al-Fāṭihah in the janāzah ṣalāh?” He replied: “We have neither heard nor do we know that such a thing can be done.” The questioner said: “But Hadrat Hasan Baṣrī is of the opinion that Sūrah al-Fāṭihah has to be read in the janāzah ṣalāh!” Hadrat ‘Aṭā’ replied:

عليك بذاك، ذاك إمام ضخم يقتدى به

*You must practise on that. He is a very great Imām who ought to be followed.*

Just ponder! The questioner did not mention any proof for Hadrat Hasan Baṣrī’s opinion. Despite this, Hadrat ‘Aṭā’

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1تهذيب الكمال: ١١٠\٦.

instructed him to practise on his view because he is a very great Imām. This is essentially the reality of Taqlīd, i.e. a person of less knowledge follows the view of an 'ālim or Mujtahid without understanding the proof thereof. Hadrat 'Aṭā' added that Hadrat Hasan Baṣrī is a great Imām who ought to be followed and whose Taqlīd ought to be made.

2. Imām Mālik *rahimahullāh* says with regard to Imām Auzā'ī *rahimahullāh*:

الأوزاعي إمام يقتدى به<sup>١</sup>

*Auzā'ī is an Imām who is worthy of being followed.*

3. The Imām of Hadīth, Yaḥyā ibn Sa'īd al-Qattān *rahimahullāh* says the same thing about Imām Mālik *rahimahullāh*:

هو إمام يقتدى به<sup>٢</sup>

*He is an Imām who is worthy of being followed.*

In fact, Imām Dhahabī *rahimahullāh*, in this very book quotes the statements of several Imāms who said with regard to countless other Imāms that the latter are worthy of being followed.

4. It is well-known that Imām Mālik *rahimahullāh* and Imām Layth *rahimahullāh* used to correspond with each other. In one of his correspondences, Imām Mālik *rahimahullāh* acknowledges Imām Layth's rank and position, and says that

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<sup>1</sup>سير الأعلام: ١١٢/٧.

<sup>2</sup>سير الأعلام: ٩٤/٨.

the people of Egypt rely on his opinions and follow him. He writes:

أنت في فضلك ومنزلتك بين أهل بلدك وحاجة من قبلك إليك واعتمادهم  
على ما جاءهم منك<sup>1</sup>.

*Your virtue, merit and rank are accepted among the people of your country. They are also in need of your guidance and they rely on your rulings.*

5. The famous Mālikī Hadīth scholar and jurist, Abū `Umar ibn `Abd al-Barr *rahimahullāh* writes in his *al-Istidhkār*:

والواجب على العامة تقليد علمائهم فيما اجتهدوا فيه ووسعهم العمل به<sup>2</sup>

*It is obligatory on the masses to make Taqlīd of their `ulamā' in their independent judgements. It is enough for the masses to act on their rulings.*

He says elsewhere:

ولم تختلف العلماء أن العامة عليها تقليد علمائها<sup>3</sup>

*There is no difference among the `ulamā' as regards the obligation on the masses to make Taqlīd of their `ulamā'.*

### **No Erudite Scholar Stopped The Masses From Taqlīd**

The above-quoted Ibn `Abd al-Barr is the very same scholar who quoted the opinion of `Allāmah Ibn al-Qayyim who said: "Taqlīd is unlawful and prohibited". We will clarify the conflicting statement of Ibn al-Qayyim later on. All that we

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<sup>1</sup>ترتيب المدارك: ١٠١١.

<sup>2</sup>الاستدكار: ٢٢٩١٥.

<sup>3</sup>جامع بيان العلم: ١١٥١٢.

need to say at this point is that no reliable scholar stopped the masses from Taqlīd. It is only with Ibn al-Qayyim that we find this strange statement. It is clearly perceived from it that he is so overcome by zeal and fervour that he could not fathom the fact that he was making a completely new and astonishing statement in Islamic history. However, the fact of the matter is that Ibn al-Qayyim himself acknowledges that Taqlīd is sometimes permissible and sometimes obligatory. We will explain this later on.

6. Ibn Taymīyah: If we were to collate just the statements of Shaykh al-Islam Ibn Taymīyah on the permissibility of Taqlīd, we will be able to compile a book on the subject. A few statements are quoted to serve as examples. It should be clear that the rejecters of Taqlīd consider Ibn Taymīyah to be one of their most reliable scholars. Their extreme inclination towards him nullifies their total rejection of Taqlīd.

He says:

والذي عليه جماهير الأمة أن الاجتهاد جائز في الجملة والتقليد جائز في الجملة... والتقليد جائز للعاجز عن الاجتهاد.<sup>1</sup>

*The vast majority of the Muslim nation is of the view that Ijtihād is permissible in principle and so is Taqlīd. ...Taqlīd is permissible for the person who cannot make Ijtihād.*

Shaykh Ibn Taymīyah goes one step further by saying that an ordinary person who cannot make a decision on contentious issues and therefore follows someone who is more

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<sup>1</sup>مجموع الفتاوى: ٢٠٣/٢٠.

knowledgeable ought to be praised and he will be rewarded for his actions. He says:

من كان عاجزا عن معرفة حكم الله ورسوله وقد اتبع فيها من هو من أهل العلم والدين ولم يتبين له أن قول غيره أرجح منه فهو محمود يثاب لا يذم على ذلك ولا يعاقب.<sup>1</sup>

*The person who is unable to recognize the order of Allāh and His Messenger and therefore follows a person of knowledge and religiosity – and he is unable to decide whose opinion is more correct – then such a person is worthy of praise and he will be rewarded. He cannot be criticized nor will he be eligible for punishment in the Hereafter.*

Obviously, Ibn Taymīyyah's statement is with reference to a person who does not have that level of knowledge whereby he could decide which of the Imāms opinion is more preferable. It is also clear that more the 99% of the Muslim population falls within this category. Ibn Taymīyyah considers the Taqlīd of such a person to be praiseworthy and eligible for reward.

### **Ibn Taymīyyah is of The View That a Person Must Make Taqlīd of The Past Imāms**

Ibn Taymīyyah says that a person can either be a Mujtahid or a Muqallid. If he is a Muqallid, Ibn Taymīyyah advises him to be a Muqallid of the Imāms of the early centuries of Islam. He says:

المقلد يقلد السلف، إذ القرون المتقدمة أفضل مما بعدها.<sup>2</sup>

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<sup>1</sup>مجموع الفتاوى: ٢٠٠/٢٢٥.

<sup>2</sup>مجموع الفتاوى: ٢٠١٩.

*A Muqallid must make Taqlīd of the pious predecessors because the early centuries are superior to those which came after.*

The obvious meaning of this is that if a person is not a Mujtahid, he will have to be a Muqallid. In the latter case, he must not make Taqlīd of any Tom, Dick and Harry or of new 'ulamā'. Instead, he must make Taqlīd of the Imāms of the early centuries, especially the four Imāms. This is especially so because their Madhāhib have been preserved in detail. We will explain this last point in the discussion under Taqlīd of the Madhāhib. He says at another place:

مسائل الإجتهد من عمل فيه بقول بعض العلماء لم ينكر عليه ولم يهجر، وإذا كان في المسألة قولان، فإن كان الإنسان يظهر له رجحان أحد القولين عمل به، وإلا قلد بعض العلماء الذين يعتمد عليهم<sup>1</sup>.

*Anyone who follows the opinions of certain 'ulamā' on rulings based on Ijtihād (i.e. juristical differences) will neither be criticized nor will relations with him be severed. If there are two opinions on a particular issue and a person sees an obvious preference for one, he must practise on it. If not, he must make Taqlīd of 'ulamā' whom he has confidence in.*

In the above text, Shaykh Ibn Taymīyyah speaks about the person who has the qualification to give preference to the opinions of the Imāms on the basis of proofs and to that scholar who has some level of capability in making Ijtihād to practise on the view which he considers to be preferred. As for the masses and average 'ulamā', they are not qualified to do this, so they must follow the 'ulamā' and Imāms.

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<sup>1</sup>مجموع الفتاوى: ٢٠٧/٢٠.

This is what moderation and justice demand. However, extremists, fanatics and the psychology of partisanship have always come as obstacles in accepting the demands of moderation.

### **Ibn al-Qayyim and Taqlīd**

7. It is popularly believed that Ibn al-Qayyim considered Taqlīd to be absolutely prohibited and unlawful. However, he too had to say that Taqlīd is permissible for the masses. He goes into much detail in his book, *I'lām al-Muwaqqi'īn*, on the issue of Taqlīd being impermissible and misguidance. This very same section has become a cause of doubts by the rejecters of Taqlīd. The crux of his discussion is as follows:

- a) A person making Taqlīd is not following Allāh *ta'ālā* and His Messenger *sallallāhu `alayhi wa sallam*, but his own scholar or Imām.
- b) He is committing the crime of acting against Allāh *ta'ālā* and His Messenger *sallallāhu `alayhi wa sallam*.
- c) The Imāms themselves have prohibited people from making their Taqlīd.

Ibn al-Qayyim is very dogmatic on his view and has produced – according to him – 81 proofs for it. He also held an interesting debate on this issue. In fact, if we study this entire discussion of his which extends over 100 pages, we will notice that it takes on a debating approach.

After studying this entire discussion, it will not take long for any perceptive person to conclude that Ibn al-Qayyim's discussion is written with extraordinary zeal and fervour. This is apparent from every line of his.

For example, Ibn al-Qayyim did not even realize that after setting on his discussion against Taqlīd, he explained its reality and proved – according to him – that Taqlīd entails acceptance of the views of the Imāms in absolute and intentional disregard for the orders of Allāh *ta`ālā* and His Messenger *ṣallallāhu `alayhi wa sallam*.<sup>1</sup> He did not realize that this accusation which he is levelling against the Muqallids is absolute unbelief and polytheism.<sup>2</sup> This means that 99% of the Muslim nation has been in unbelief and polytheism since many centuries and that all the `ulamā' have been joining in it. It is most unfortunate that the repercussions of fanaticism and dogmatism as regards Taqlīd by some latter day jurists were also most extreme. Ibn al-Qayyim went to the extent of comparing Taqlīd to eating carrion.<sup>3</sup> To Allāh we belong and to Him is our return.

He writes in this regard:

A person cannot be guided unless he follows what Allāh *ta`ālā* sent down to His Messenger. If a Muqallid knows what order Allāh *ta`ālā* sent to His Messenger, he will be considered to be guided, but

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<sup>1</sup> *I'lām al-Muwaqqi'īn*, volume 2, p. 252.

<sup>2</sup> In trying to refute the Taqlīd of the Imāms, Ibn al-Qayyim quotes many of those verses of the Qur'ān which label the past nations as unbelievers and polytheists because they opposed the Prophets *`alayhimus salām* solely because their ways were different from those of their forefathers. By quoting these verses to disprove the Taqlīd of the Imāms, he is – so to say – labelling the Muqallids as unbelievers. How unfortunate! In his fanaticism, a person does not hesitate from conveying his opponent to the borders of unbelief.

<sup>3</sup> *I'lām al-Muwaqqi'īn*, vol. 2, p. 295.

then he will not be a Muqallid. But if he does not know, then he is an ignoramus and misguided.<sup>1</sup>

While we acknowledge Ibn al-Qayyim's seniority and academic erudition, we respectfully say: There are certain intricate academic issues regarding which the Imāms differ. Each group considered its own opinion to be preferred and provided detailed proofs for it. In fact, there were times when voluminous books were written on a single ruling. The causes of differences on these issues are so complex and intricate that, for example, on one side you have Imām Shāfi'ī, Imām Aḥmad ibn Ḥambal, Imām Muzanī and Imām Abū Thaur, and on the other side you have Imām Abū Ḥanīfah, Imām Sufyān Thaurī, Imām Yaḥyā ibn Ma'īn, Imām Abū Yūsuf, Imām Muḥammad and, from the latter centuries, Imām Ṭahāwī and others. Although both groups presented their proofs, and notwithstanding their seniority and sincerity, they could not come to a unanimous opinion. Yet Ibn al-Qayyim says that if an ordinary unlettered Muslim, such as a betel-leaf seller in Lucknow or a firewood cutter in a village, wants to tread the path of guidance, he will have to make Ijtihād on his own and cast aside Taqlīd. And if he were to follow any Imām or scholar without asking for proof and Ijtihād, then such a person is an ignoramus and misguided. The reader should bear in mind that in principle, the abode of the misguided is the Hell-fire. The essential and obvious result of this stand of Ibn al-Qayyim is that a very major section of the Muslim nation is "deprived of guidance, misguided and ignorant", and eventually – Allāh forbid – is destined for the Hell-fire,

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<sup>1</sup> *Ilām al-Murwaqqi'in*, vol. 2, p. 213.

and there is no way such a large number of people can find guidance.

The rejecters of Taqlīd are by and large prey to such misgivings. Ibn al-Qayyim himself, despite his seniority, on one hand, goes at length and detail in labelling Taqlīd to be baseless and forbidden, and he unilaterally, unconditionally and without any exception labels it opposition to Allāh *ta`ālā* and His Messenger like any other prohibited act. In other words, he does not say that such and such type of Taqlīd is of such a level of misguidance while such and such type is not. Neither does he say that if such and such rank of people, e.g. the 'ulamā' and Mujtahids, make Taqlīd then it is forbidden, but not forbidden for the masses. Instead, he labels it absolutely and unilaterally prohibited and forbidden.

#### **A Glaring Contradiction of Ibn al-Qayyim**

However, we are astonished to see that he himself says – in the same book and under the same discussion – that one type of Taqlīd is permissible, and one type is obligatory. What can we say about such a clear contradiction!!!??

First he says that Taqlīd is absolutely prohibited, it is misguidance, it is ignorance, it is the way of polytheists. Then in the same discussion he says that Taqlīd is sometimes permissible and sometimes obligatory.

We find this clear contradiction in Ibn al-Qayyim. When he commenced his discussion on Taqlīd, he titled it:

ذكر تفصيل القول في التقليد، وانقسامه إلى:

١. ما يحرم القول فيه والإفتاء به

٢. وإلى ما يجب المصير إليه

### ٣. وإلى ما يسوغ من غير إيجاب

*A detailed discussion on Taqlīd and its division into:*

1. *Where it is prohibited to give a ruling and issue a fatwā by making Taqlīd.*
2. *Where it is obligatory to make Taqlīd.*
3. *Where it is permissible without obligation.*

Ibn al-Qayyim follows this with a discussion on the first category by listing three sub-divisions to it:

1. To disregard the Book of Allāh and to make Taqlīd of one's forefathers (as was and still is the way of the unbelievers).
2. To make Taqlīd of a person regarding whom the Muqallid does not know whether he is worthy of being followed or not.
3. Although the truth is made clear to a person, he follows an Imām when he knows that the latter's opinion is against the evidence.

Ibn al-Qayyim provides a short and concise explanation to the category of Taqlīd which he considers unlawful. Even in this explanation it becomes clear that the Taqlīd of the Imāms can never fall under the second two categories because a person who makes Taqlīd of the Imāms does not disregard the Book of Allāh in order to make Taqlīd of his forefathers. Rather, where he cannot understand Allāh's order himself, he acts on the order of Allāh *ta`ālā* as explained to him by an Imām. Therefore, this first category of unlawful Taqlīd can never include the Taqlīd of the four juristical schools. Nor is it a Taqlīd of a person regarding whom the Muqallid does not know whether that person is eligible to be followed or not.

Rather, it is a Taqlīd of such personalities regarding whom the entire Muslim nation has full conviction as regards their eligibility.

These two categories therefore do not have anything to do with the Taqlīd of the Imāms. As for the third category, Ibn al-Qayyim explains it as follows: A Muqallid is convinced – after investigation and study – that the Imām whose Taqlīd he is making is certainly acting against the proofs on that issue. But in such a case, the ‘ulamā’ of all the juristical schools prohibit Taqlīd. We are certain that if the issue is pondered over with an open mind and without any partiality, then every thinking person will conclude and say: It is impossible for the masses to decide that as regards disputed issues, the opinion of their Imām is totally devoid of proof and incorrect. This can only be decided by an erudite scholar. Thus, the Taqlīd of the masses cannot even be included in this third category.

We also learn from this that in his discussion on prohibited Taqlīd, Ibn al-Qayyim did not include the Taqlīd of those of the masses who do not possess so deep knowledge of the Qur’ān, Sunnah, jurisprudence, principles of jurisprudence, principles of Hadīth, narrators, etc. on the basis of which they can say that the opinion of our Imām on such and such issue is wrong and in contradiction of proofs.

Now read further...a few lines later, Ibn al-Qayyim clearly states that the Taqlīd of the masses does not fall under the category of unlawful Taqlīd. He writes:

من بذل جهده في اتباع ما أنزل الله وخفي عليه بعضه فقلد فيه من هو  
أعلم منه فهذا محمود غير مذموم، ومأجور غير مأزور، كما سيأتي بيانه  
عند ذكر التقليد الواجب والسائغ إن شاء الله.

*The person who makes an all out effort to follow what Allāh revealed, but did not understand some of it, so he made Taqlīd of a person who was more knowledgeable than him, then such a person deserves to be praised, he is not blameworthy. He will be rewarded, he is not a sinner. Allāh willing, this will be explained under the discussion on obligatory and permissible Taqlīd.<sup>1</sup>*

We find this level-headed statement of Ibn al-Qayyim at the beginning of the chapter. But once the discussion continues and he thinks about the rigidity and fanaticism of some of the latter day jurists,<sup>2</sup> then he is overcome by fervour and zeal, he loses sight of this level-headed stand, and it disappears so completely that he does not even remember how he had titled this discussion:

*A detailed discussion on Taqlīd and its division into:*

1. *Where it is prohibited to give a ruling and issue a fatwā by making Taqlīd.*
2. *Where it is obligatory to make Taqlīd.*
3. *Where it is permissible without obligation.*

Ibn al-Qayyim became so occupied in this confrontational approach that after explaining the first category, he completely forgot about the second two categories. He left the discussion incomplete and proceeded to another topic. Whereas, as we just said, not only in his title, but even in the course of his discussion he promised the reader that he will explain the latter two categories of Taqlīd, viz. obligatory and permissible.

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<sup>1</sup> *Ilām al-Muwaqqi'in*, vol. 2, p. 188.

<sup>2</sup> It should be borne in mind that erudite scholars were always perceptive of the rigidity and fanaticism of some latter day jurists. An example of this will be provided on the authority of Hadrat Thānawī *rahimahullāh*. This will be mentioned later on.

He himself said that when he comes to this discussion, he will provide the following details:

A person made an all out effort to follow what Allāh revealed but did not understand some of it, so he made Taqlīd of a person who was more knowledgeable than him. Such a person deserves to be praised, he is not blameworthy. He will be rewarded, he is not a sinner. Allāh willing, this will be explained under the discussion on obligatory and permissible Taqlīd.<sup>1</sup>

But then this is not mentioned anywhere in the book. The entire discussion ends with verdicts on the prohibition of Taqlīd. It is most strange!

On one hand he issues a stern fatwā on the prohibition of Taqlīd for everyone, and on the other hand he acknowledges not only its permissibility but its obligation!! Anyway, there is certainly a clear contradiction in Ibn al-Qayyim's discussion. The only way to save him from the contradiction is to say that his statement on the prohibition and incorrectness of Taqlīd only applies where a scholar possess in-depth and extensive knowledge of the Sharī'ah, and he comes to an absolute conclusion on a certain issue that the view of his Imām is wrong, but he still makes his Taqlīd. As for the masses who are not qualified to make Ijtihād, this does not affect their Taqlīd in any way. And this statement is the same which all Muqallid 'ulamā' unanimously accept. No person who believes in Allāh *ta'ālā* and Rasūlullāh *sallallāhu 'alayhi wa sallam* can ever think to the contrary.

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<sup>1</sup> *Ilām al-Muwaqqi'in*, vol. 2, p. 188.

All praise is due to Allāh *ta`ālā*, it was solely through His inspiration and grace that this study highlighted that this senior scholar of the Muslim nation has not committed the crime of going out of the circle of the unanimous decision of the Imāms. He intended saying the same thing which was said by the Imāms, Ṣaḥābah and Tābi`īn before him, viz. not only is Taqlīd permissible but worthy of reward, and a praiseworthy practice. Yes, Ibn al-Qayyim's discussion was certainly left incomplete, and after acknowledging the obligatory and permissible categories of Taqlīd (and even promising to explain them), he most probably forgot about it.

### Imām Dhahabī

8. Imām Shams ad-Dīn Dhahabī was a distinguished Ḥadīth scholar of his time. He is especially recognized for his erudition in the science of narrators. Allāh *ta`ālā* had blessed him with extraordinary rectitude and proximity. His sincerity and moderation were unique. Bearing in mind that he is from the creed of Shaykh al-Islam Ibn Taymīyyah – in fact, a fundamental pillar of this creed – our Salafi brothers have a lot of confidence in him. We would therefore like to quote some of his statements here. They will clearly demonstrate that he too believed in the permissibility of Taqlīd. He says:

فالمقلِّدون صحابة رسول الله... ثم كأبي حنيفة ومالك والأوزاعي... والقاضي أبو يوسف، ثم كالشافعي... وأحمد... ثم من بعد هذا النمط تناقص الإجتهد وأخذ الفقهاء إلى التقليد... ولم يبق اليوم إلا المذاهب الأربعة، وقل من ينهض بمعرفتها فضلا عن أن يكون مجتهدا<sup>1</sup>.

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<sup>1</sup> سير الأعلام: ٩٢/٨.

*Those who are eligible to be followed are the Companions of Rasūlullāh ṣallallāhu `alayhi wa sallam. Then people like Abū Hanīfah, Mālik and al-Auzā`ī...Qādī Abū Yūsuf, then people like Shāfi`ī...Ahmad and others...After people of this category, Ijtihād decreased and the jurists opted for Taqlīd...and nowadays only the four juristical schools have survived. There are very few who even know them let alone being a Mujtahid.*

من بلغ رتبة الاجتهاد وشهد بذلك عدة من الأئمة لم يسغ له أن يقلد، كما أن الفقيه المبتدئ والعامي الذي يحفظ القرآن أو كثيرا منه لا يسوغ له الاجتهاد أبدا فكيف يجتهد، وما الذي يقول، وعلام يبني، وكيف يطير ولما يريش.<sup>1</sup>

*The one who reaches the level of Ijtihād (and is not a self-proclaimed Mujtahid) – instead - many Imāms testify in his favour - cannot make Taqlīd. Like a novice jurist or an ordinary person who memorized the entire or major part of the Qur`ān – Ijtihād for him can never be permissible. How will he make Ijtihād? What will he say? On what basis will he base his Ijtihād? How will he fly when he does not even have wings?*

### **Shaykh Muḥammad ibn Abd al-Wahhāb and 'Ulamā' of his Creed**

9. We respectfully say to our Indo-Pak brothers who reject Taqlīd, label it as misguidance and a serious and dangerous crime of going against the Qur`ān and Sunnah that apart from their approach being extremist and prohibiting what Allāh *ta`ālā* made lawful, it is certainly against the consensus of the Muslim nation. In practice, these brothers follow Shaykh Muḥammad ibn `Abd al-Wahhāb and the

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<sup>1</sup>سير الأعلام: ١٨\١٩١.

'ulamā' of his creed. They are very much in line with them, have confidence in them and are enamoured by them. The Ahl al-Hadīth 'ulamā' of the past used to align themselves academically to Imām al-Hind Hadrat Shāh Walī Allāh Dehlawī *rahimahullāh* and his progeny. However, this link has become extremely weak and virtually non-existent. Now we find them aligning themselves only to the 'ulamā' of Saudi Arabia.

Based on the above, we will make specific mention of the statements of Shaykh Muḥammad ibn 'Abd al-Wahhāb and the 'ulamā' of his creed. In responding to some accusations made against him, Shaykh Muḥammad ibn 'Abd al-Wahhāb writes:

منها قوله أنني مبطل كتب المذاهب الأربعة وأني أقول أن الناس من ست  
مائة سنة ليسوا على شيء، وأني أدعي الإجتهد وأني خارج عن التقليد،  
وأني أقول أن اختلاف العلماء نقمة...جوابي عن هذه المسائل أن أقول:  
سبحانك هذا بهتان عظيم.

*Some of the allegations which he makes against me is that I refute the books of the four juristical schools, I say that people have been following baseless things for the past six hundred years, I claim Ijtihād, I have left the circle of Taqlīd and that I say that the differences among the 'ulamā' is a tragedy. My response to all these accusations is: Glory to Allāh! This is a serious slander.*

Shaykh Muḥammad ibn 'Abd al-Wahhāb's son and deputy, Shaykh 'Abdullāh ibn Muḥammad, has compiled a gist of his

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<sup>1</sup>الرسائل الشخصية، ص ٤.

fathers letters and articles. He clarifies his father's creed and beliefs as follows:

ونحن أيضا في الفروع على مذهب الإمام أحمد بن حنبل رحمه الله، ولا ننكر على من قلد أحد الأربعة دون غيرهم لعدم ضبط مذاهب الغير كالرافضة، والزيدية، والإمامية، ونحوهم، فلا نفرهم على شيء من مذاهب الفاسدة بل نجبرهم على تقليد أحد الأئمة.

*We follow the Madh-hab of Imām Aḥmad ibn Ḥambal rahimahullāh in subsidiary issues and we do not reject anyone who follows one of the four juristical schools. Yes, we will not permit him to follow any other Madh-hab [apart from these four] because the others are not preserved and codified. These include the Rawāfiḍ (Shī'ah), Zaydīs, the Shī'ah who follow twelve Imāms, and others like them. We do not accept them because they are baseless creeds and we compel them to make Taqlīd of one of the Imāms.*

The Shaykh writes further on:

Yes, there were a few rare instances as regards a few rulings where we found from the Qur'ān and Sunnah:

- (1) an explicit text
- (2) which was not abrogated
- (3) for which there was no specification
- (4) no strong proof to the contrary
- (5) and any of the four juristical schools practise on it as well

Then we left our Madh-hab and practised on it.

The position which the Shaykh clarified is unanimously accepted as will be explained in detail further on. This is the

position and stand of all Muqallids and they all practise on it. However, the above-listed four points are the prerogatives of an erudite scholar who possesses, to some extent, the qualification to make Ijtihād. Such a scholar will only have to leave his creed when it [his creed] has been clearly proven to be incorrect. The Shaykh says in this regard that this is very rare and occurs only in a few rulings.

وذلك يكون نادرا جدا

*This happens very rarely.*

In providing further clarification to his creed and call, the Shaykh writes:

We do not even object to the followers of the other juristical schools unless we find a clear and explicit text which no Madh-hab practises on and the issue concerns an important pillar of Islam such as ṣalāh. In such a case, we instruct the Hanafīs and Mālīkīs to practise on *ta'dīl al-arkān* (carrying out all the postures of ṣalāh with deliberation and moderation).<sup>1</sup>

We request all those impartial persons and searchers of the truth to read the last paragraph carefully again. Shaykh Muḥammad ibn 'Abd al-Wahhāb and his creed are not only acknowledging the fact that they are Muqallids but adding

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<sup>1</sup> The Shaykh has misunderstood this issue because the Hanafīs and Mālīkīs also believe in the obligation of *ta'dīl al-arkān*. If this pillar of ṣalāh is left out, both – Hanafīs and Mālīkīs – say that the ṣalāh will have to be repeated. Refer to detailed academic discussions on the slight difference which exists among the Hambalīs, Hanafīs and Mālīkīs on this issue.

this rule that no objections must be levelled against the followers of the four juristical schools.

We clearly state that those who consider the followers of the four juristical schools to be wrong are acting against the unanimous decision of the Ahl as-Sunnah. They have no reliable predecessor in the entire history of the Muslim nation. No one from the Ahl as-Sunnah prohibits the masses from Taqlīd of the four juristical schools. Even Ibn al-Qayyim, Shaykh Muḥammad ibn 'Abd al-Wahhāb and the 'ulamā' of the latter's creed do not prohibit it.

The Shaykh clearly states further on:

A major section of the 'ulamā' of the four juristical schools has been following the practice of differing with its Imāms on certain issues despite restricting itself to their Taqlīd.

The Shaykh makes three points which are worthy of consideration:

1. If an issue within one's own Madh-hab or another Madh-hab is clearly against an explicit text of the Qur'ān or Ḥadīth, it has been fully established that the ruling has not been abrogated, there is no other proof against it, it is not specified by any other text – then in such a case that view will be left aside and the view of any of the other four juristical schools will be adopted. They will not go out of these four juristical schools. Obviously this can only be gauged by erudite and distinguished 'ulamā' who possess such in-depth and extensive knowledge.
2. The above situation presents itself very rarely and only in a few issues. In fact, they are so rare that even the

example which the Shaykh provided is not a correct one, as we indicated.

3. Shaykh Muḥammad ibn 'Abd al-Wahhāb is not saying anything new. He is not the only scholar to make such a statement, rather, all the four juristical schools have made similar statements. They all unanimously state that if an erudite and distinguished scholar were to do such a thing, he will not be considered to have left the circle of Taqlīd.<sup>1</sup>

The reality of Taqlīd in the four juristical schools is the same as the one described by Shaykh Muḥammad ibn 'Abd al-Wahhāb.

### Shaykh Muḥammad ibn Sālīh al-'Uthaymīn

Shaykh Muḥammad al-'Uthaymīn, a distinguished scholar from the creed of Shaykh Muḥammad ibn 'Abd al-Wahhāb, explains two forms of Taqlīd as follows:

أحدها أن يكون المقلد عاميا لا يستطيع معرفة الحكم بنفسه ففرضه  
التقليد<sup>١</sup>

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<sup>1</sup> We related the gist of the Shaykh's discussion. We now quote his exact words from *ad-Durar as-Sunnīyyah*:

ولا نفتش على أحد في مذهبه، ولا نتعرض عليه، إلا إذا اطلعنا على نص جلي، يخالف لمذهب أحد الأئمة، وكانت المسألة مما يحصل بها شعار ظاهر، كأمر الصلوة، فأمر الحنفي والمالكي مثلا بالمحافظة على نحو الطمأنينة في الاعتدال، والجلوس بين السجدين، لوضوح دليل ذلك، بخلاف جهر الإمام الشافعي بالبسملة، فلا تأمر بالإسرار، وشتان ما بين المسألين، فإذا قوي الدليل أرشدناهم بالنص، وإن خالف المذهب، وذلك يكون نادرا جدا، ولا مانع من الإجتهد في بعض المسائل دون بعض، فلا مناقصة لعدم دعوى الإجتهد، وقد سبق جمع من أئمة المذاهب الأربعة إلى اختيارات لهم في بعض المسائل، مخالفين للمذهب، الملتزمين تقليد صاحبه.

<sup>2</sup>الأصول من علم الأصول، ص ٨٧.

*Taqlīd is compulsory on an ordinary person who cannot derive a ruling by himself.*

### **Summary**

In the course of our examination in this section, we saw that ever since the era of the Sahābah radiyallāhu `anhum to this day, all reliable `ulamā' and those Imāms who enjoyed Allāh-bestowed general acceptance consider Taqlīd to be permissible for the masses. This is the unanimous decision of the Muslim nation. No reliable scholar made the mistake of going against this unanimous decision. In this regard, we quoted a few statements of the Imāms of Hādīth and especially of those few `ulamā' whom the Ahl al-Hādīth also have faith in and against whom the accusation of "blind Taqlīd, juristical fanaticism, following the Imāms in contradiction to the Qur'ān and Sunnah" does not hold any water.

All praise is due to Allāh *ta`ālā*, it is solely through His grace and guidance that we could present such references on the unanimous decision of the Muslim nation on the validity of Taqlīd after which anyone who considers Taqlīd to be unlawful can only do so if he does not have any fear of Allāh *ta`ālā*. O Allāh! Do not deviate our hearts after having guided us.

We once against plea to all those of our brothers belonging to the Ahl al-Hādīth who wish to ponder over the issue with an open mind that they must – for Allāh's sake – stop those who wish to confuse the minds of the masses. Just think, how can it be correct to take such an extremist position which does not even take the unanimous decision of the Muslim nation into consideration?! To cause confusion among simple-minded Muslims and uninformed youth, create an atmosphere of hatred everywhere, and to further splinter the already divided

Muslims through these baseless talks is certainly a serious injustice. O Allāh! Guide us to the straight path.

## SECTION THREE

### TAQLID OF THE FOUR JURISTICAL SCHOOLS

Any person having a little knowledge of Islamic history knows that when the circle of Islamic victories expanded after the demise of Rasūlullāh *sallallāhu `alayhi wa sallam*, Islam spread in the regions which were far away from Madīnah and huge communities of Muslims were established; then the `ulamā' and jurists among the *Sahābah radiyallāhu `anhum* were despatched to the distant regions and cities for spreading Islam and proliferating knowledge. On reaching there, the *Sahābah* taught the people of those regions in the light of their [the *Sahābah's*] juristical inclinations and methods of extracting rules and regulations. Consequently, the way of thinking of the majority of the `ulamā' of a particular region was influenced by the *Sahābah* who were sent to their region. Moreover, the people of that region developed a natural affinity with their own elders. Consequently, from the very first century of the Hijrah, different regions developed different juristical schools. For example, the school of Madīnah, the school of Kūfah, the school of Makkah, the school of Syria and so on. This was, so to speak, the beginning stages of separate juristical schools and views of the Muslim nation.

Fundamentally, it is worthy of consideration that different juristical schools were formed in the different regions in the first century of the Hijrah. The reader will recall the incident which we related previously in which the people of Madīnah said that they will adhere to the verdict of their own scholar, *Hadrat Zayd ibn Thābīt radiyallāhu `anhu*, despite hearing the

verdict of the scholar of Makkah, Hadrat 'Abdullāh ibn 'Abbās *radīyallāhu 'anhu*.

Imām Shāh Walī Allāh *rahimahullāh* writes in *al-Insāf* that when there are conflicting Aḥādīth<sup>1</sup> on contentious juristical issues and these are accompanied by differing opinions of the Sahābah *radīyallāhu 'anhum* then the practice of the people of the first and second centuries was that every scholar would follow the opinion of the scholars and 'ulamā' of his city. The reason for this was that they used to have in-depth knowledge of the views and opinions of the 'ulamā' of their region. Moreover, people are naturally more impressed by the views and ways of thinking of their own 'ulamā'; and they do not have the same affinity with and confidence in others as they have with their own.

Shah Sāhib *rahimahullāh* says that in this way, different schools developed in the different regions. For example, the people of Madīnah were more prone to follow the views of Hadrat 'Umar, Hadrat 'Ā'ishah, Hadrat Ibn 'Umar, Hadrat Ibn 'Abbās and Hadrat Zayd ibn Thābit *radīyallāhu 'anhum ajma'in* and their students such as Sa'īd ibn Musayyib, 'Urwah ibn Zubayr, Sālim, 'Ikramah, 'Aṭā', Qāsim, 'Ubaydullāh ibn 'Abdillāh, Zuhri and others.

The people of Kūfah considered the opinions of Hadrat 'Abdullāh ibn Mas'ūd *radīyallāhu 'anhu* and Hadrat 'Alī *radīyallāhu 'anhu*; and their students such as Qādī Shurayḥ, Sha'bī and Ibrāhīm Nakha'ī to be more acceptable. Shāh Sāhib *rahimahullāh* adds that the manifestation of this approach is also found when 'Alqamah, a scholar of Kūfah, met Masrūq, a

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<sup>1</sup> The fact of the matter is that there are countless conflicting Aḥādīth. These can only be understood by an erudite scholar.

scholar of Madīnah. ‘Alqamah brought to the attention of Masrūq that the latter was leaving out the view of Ḥaḍrat ‘Abdullāh ibn Mas‘ūd *raḍiyallāhu ‘anhu* and asked him: “Who can be better than ‘Abdullāh ibn Mas‘ūd?” Masrūq replied: “What you are saying is correct but I will practise on the fatwā and practice of the ‘ulamā’ of Madīnah and of Zayd ibn Thābit *raḍiyallāhu ‘anhu*.”<sup>1</sup>

Shāh Ṣāhib *raḥimahullāh* continues: “In those days, when the ‘ulamā’ of a certain region agreed on a particular ruling, the people of that region would hold on firmly to it.” Imām Mālik *raḥimahullāh* expresses the same point as follows:

السنة التي لا اختلاف فيها عندنا

*This is the unanimous methodology according to us.*

They would not go against it.

Shāh Ṣāhib *raḥimahullāh* adds that this was the methodology of Imām Abū Ḥanīfah and Imām Mālik. Imām Abū Ḥanīfah *raḥimahullāh* would not move out of the creed of the people of Kūfah. If you collate and study the views of Ibrāhīm Nakha‘ī and other ‘ulamā’ of Kūfah, you will find that Imām Abū Ḥanīfah used to adopt their views. Rarely would you find him moving out of their circle.<sup>2</sup>

At this point, Shāh Ṣāhib *raḥimahullāh* relates an incident concerning Imām Mālik *raḥimahullāh*. The ‘Abbāsī caliph, Mansūr or Hārūn, requested him to allow the central administration of the caliphate to proliferate his books throughout the Islamic world and to compel the people to

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<sup>1</sup> *Dārimī*, vol. 2, p. 448.

<sup>2</sup> Shāh Walī Allāh: *al-Insāf*.

practise on it, but Imām Mālik *rahimahullāh* did not approve of it. He said: “No, different juristical views and opinions have already reached the people. Each one has its own Ahādīth. So:

فدع الناس وما اختار أهل كل بلد لأنفسهم

*Leave the people of each region to follow whatever they chose for themselves.*

From this reply of Imām Mālik *rahimahullāh* we can gauge that different juristical schools had already formed in the different regions and the masses were practising on them. Not only the ‘ulamā’, even the students know fully well that different juristical schools had formed in the different regions from the very beginning. The following statement of Imām Mālik *rahimahullāh* is also quoted in the above-related incident between himself and the ‘Abbāsī caliph:

أما هذا الصقع يعني المغرب فقد كفيته، وأما الشام ففيه الأوزاعي، وأما العراق فهم أهل العراق.

*As for this region, the West (Morocco, Spain, etc.), my creed has proliferated there. As for Syria, al-Auzā’ī is there (and people are following him). As for the people of Irāq, they are after all the people of Iraq.*

This statement of Imām Mālik *rahimahullāh* shows that during his time itself, different juristical schools were established in the different regions. Imām Auzā’ī was followed in Syria, Imām Mālik was followed in Morocco and Spain, and the people of Iraq had their own juristical school. I now relate an

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<sup>1</sup>ترتيب المدارك: ٦٠١١.

incident which demonstrates how the people of each region adhered to the juristical verdicts of their own 'ulamā'. The *Sunan ad-Dārimī* quotes an authentic tradition which states that Humayd at-Tawīl expressed his view to Hadrat 'Umar ibn 'Abd al-'Azīz *rahimahullāh* that the juristical differences which exist among the people should be put to an end and they must be rallied around one specific basis. This appears to be a very pure thought whereby the entire Muslim nation could be united! However, the Imāms knew that this outwardly pure view was against the scheme and mercy of Allāh *ta'ālā*. Hadrat 'Umar ibn 'Abd al-'Azīz *rahimahullāh* replied: "I do not approve of an absence of differences among people (on juristical issues)." He then passed the following edict for each region:

ليقض كل قوم بما اجتمع عليه فقهاؤهم

*The people of each region must give a verdict according to what their own jurists agreed upon.*

The point which ought to be borne in mind here is that it was the practice of the past peoples to follow the Imāms and 'ulamā' of their respective cities and regions. This was only on contentious issues in which there was room for Ijtihād and latitude for both views. If there were absolute proofs for one particular view, then this approach was not adopted. In such a case, they would leave the creed of the Imāms of their own cities. But, as stated by Shaykh Muḥammad ibn 'Abd al-Wahhāb, this occurred very rarely.

### **An Important Principle**

Since the era of the Tābi'īn, the practice of the Imāms was to generally follow the views of the Sahābah and Imāms of their own regions. On one hand this shows that the foundations for

juristical schools were laid even before the four juristical schools, and that Kūfah, Madīnah, Shām and the Maghrib had established their own juristical creeds. Together with this, we also learn this principle that as regards juristical issues which are not connected to the absolutes<sup>1</sup> of Islam, there was room to select any of the different views. In order to protect their masses from disunity, difference and confusion, the Imāms considered it most wise for Islam and Muslims to restrict the masses to the juristical school of their respective region.

### **The View of Each Mujtahid is Correct**

The above practice of the Imāms supports the position of all 'ulamā' that the opinion of every Mujtahid on contentious issues is correct. Allāh *ta'ālā* did not provide a specific ruling on such issues, but left the way open for 'ulamā' to resort to their faculties in order to choose one particular way. Imām Ghazzālī *rahimahullāh* makes mention of this in *al-Mustasfā*. In his commentary to *Sahīh Muslim*,<sup>2</sup> Imām Nawawī *rahimahullāh* states that this is the opinion of the majority of erudite 'ulamā'. Zarkashī states in *al-Bahr al-Muhit*<sup>3</sup> that this view (that the opinion of every Mujtahid is correct) has been supported by many examples by Imām Shāfi'ī *rahimahullāh*. I myself have come across such an example in *ar-Risālah*.<sup>4</sup>

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<sup>1</sup> The absolutes refer to those issues regarding which there are one hundred percent absolute proofs in favour of one particular view and the other view is certainly incorrect. The opposite of this refers to those issues for which there are no one hundred percent absolute proofs. The differences among the Imāms are generally on the latter category.

<sup>2</sup> باب بيان كون النهي عن المنكر من الإيمان.

<sup>3</sup> Vol. 4, p. 537.

<sup>4</sup> P. 496, published by Dār al-Kutub al-'Ilmiyyah.

If only we could understand the methodology of the Imāms and the 'ulamā' of the era of the Tābi'īn and take the lesson of wisdom in Dīn from them. If we learn this wisdom, factional fanaticism, partisanship and the desire to have the entire world to follow one's own creed will disappear.

### **The Commencement of Taqlīd of The Madhāhib**

The practice of general Taqlīd by and large commenced from the era of the Ṣaḥābah *raḍīyallāhu 'anhum*. The Ṣaḥābah *raḍīyallāhu 'anhum* and the Imāms of Islam were unanimous in this regard. The people of each region generally followed the creed of the 'ulamā' of their region. Even the 'ulamā' and Mujtahids themselves were worried about not causing confusion among the masses. With this in mind (if a ruling was not absolutely incorrect and there was room for both views), they gave a ruling that the view which was different from that of their local 'ulamā' should not be followed. We mentioned several examples of this nature previously. We can thus say that even during that era, Taqlīd of the Madhāhib was a common practice. The practice of Taqlīd of the regional Madhāhib was continuing when the Imāms, e.g. Imām Abū Hanīfah and his students, and Imām Mālik and his students began compiling books on their regional creeds; and in so doing, they fulfilled the service of juristical collation. Imām Muḥammad *raḥimahullāh* collated and compiled the jurisprudence of the representatives of Kūfah, viz. of Imām Abū Hanīfah and his students. The students of Imām Mālik compiled the jurisprudence of the people of Madīnah. Imām Shāfi'ī adopted the creed of the people of Makkah, especially of Ḥaḍrat Ibn 'Abbās *raḍīyallāhu 'anhu* and his students via Ibn Jurayj. He studied the jurisprudence of the people of Madīnah and Kūfah, adopted the narrations of the Muḥaddithūn, laid down some of his own principles of Ijtihād; and in this way

the jurisprudence of jurists cum Muḥaddithūn was compiled. The same creed with added points of preference was adopted by Imām Aḥmad. This gradually resulted in four juristical schools.

It is gauged from the above details that the formation of the juristical schools commenced from the very early centuries. In fact, it will certainly not be wrong to say that people from each region had started making Taqlīd of the Ijtihād of the 'ulamā' of their respective regions from the era of the Saḥābah *radīyallāhu 'anhum*. The factual matter is that the practice of making Taqlīd of the Madhāhib was already in vogue since the best of eras, i.e. the eras of the Saḥābah and Tābi'ūn. The jurisprudence of the different regions was to later on become popular in the name of one of the Imāms.

#### **Taqlīd of Madhāhib, Not Individual Taqlīd**

Another point which is learnt from the above is that these Madhāhib do not contain the fatāwā and Ijtihād of one specific Imām. Rather, they are the Ijtihād of countless Imāms of that region, but were attributed to one of the prominent Imāms of that region, e.g. Imām Abū Ḥanīfah, Mālik, Auzā'ī, Layth ibn Sa'd and so on. The students of that Imām and their succeeding generations began codifying and arranging their respective juristical schools. They began applying their minds, compared various views and opinions, the 'ulamā' held academic discussions among themselves, the 'ulamā' of one juristical school studied the books of the Imāms of the other juristical schools and they also studied under the Imāms of other regions and cities. For example, two of Imām Abū Ḥanīfah's most prominent students, Imām Abū Yūsuf and Imām Muḥammad, benefited from the company of Imām Mālik. If they saw that a certain ruling in their own creed was

based on misunderstanding, e.g. their own elders did not come across a certain Hadīth, then they retracted from their view. We will provide some examples later on. But if they saw that the issue was based on Ijtihād and that the view of their own Imāms also has some basis, they remained firm on their own creed. The same could be said of the other juristical schools as well.

Thus the reality of the situation is that the follower of a particular school is not making Taqlīd of one individual but of a creed and of a Madh-hab, behind which there are countless Imāms, jurists and 'ulamā' since the era of the Sahābah *radīyallāhu 'anhum* to the present day. Since the creed has been named after one Imām – Hanafī, Mālīkī, Shāfi'ī, Hambalī – the 'ulamā' refer to it as Individual Taqlīd or Taqlīd Shakhsī. Whereas the fact of the matter is that Taqlīd of the juristical schools is just that, viz. Taqlīd of the juristical schools, not of any one particular person.

### **The Biggest Proof for Taqlīd of The Madhāhib**

It was thus the will of Allāh *ta'ālā* that the 'ulamā' of the Muslim nation and those treading the true path universally accepted the Taqlīd of these Madhāhib to the extent that we could consider it a unanimous decision (Ijmā'). After the fifth century of the Hijrah, all the Imāms of Islam whose leadership and seniority was unanimously accepted by the people of truth and the Ahl as-Sunnah – all of them – made Taqlīd of some juristical school or the other. The greatest proof for the authenticity of Taqlīd, the practice of following the juristical schools which is in vogue in the Muslim nation and its preservation is that for the past nine hundred years, all the 'ulamā', spiritual masters, revivers and reformers adhered to this way.

The large numbers among the masses can certainly not be a proof for the correctness of any particular system, but when we see those 'ulamā' and Imāms who were blessed with general acceptance by Allāh *ta'ālā* – all of them – following a particular system, we will have to conclude that the safety of Dīn lies in that particular system. There cannot be a more convincing proof for the Taqlīd of the four juristical schools than the fact that all the 'ulamā' and Imāms of the Ahl as-Sunnah unanimously accept it.

If we were to search in the last nine hundred years, we will certainly come across a few individuals who were not followers of a particular juristical school. However, you will only find a handful whose number does not hold any weight at all against the countless numbers of erudite Imāms of the Muslim nation. Even when looking at their acceptance and popularity, they are far below those 'ulamā' who practise Taqlīd.

### **An Important Reason for The Proliferation of The Four Madhāhib**

Why did the 'ulamā' start following the Madhāhib and why did they generally restrict themselves within that circle? Hadrat Shāh Walī Allāh *rahimahullāh* provides one reason for this. Only the 'ulamā' who are conversant with the science of jurisprudence will fully understand his reason. We will, however, provide a little explanation so that an ordinary educated person could also understand it. He writes:

ثانيهما أن يكون أكبر همه معرفة المسائل التي يستفتيه فيها المفتون مما لم يتكلم فيه المتقدمون، وحاجته إلى إمام يأتيه به في الأصول الممهدة في كل باب أشد... لأن مسائل الفقه متعانقة متشابكة فروعها تتعلق بأمهاتها، فلو ابتدأ هذا بنقد مذاهبهم وتنقيح أقوالهم لكان ملتزماً لما لا يطيقه ولا

يتفرغ منه طول عمره، فلا سبيل له إلى باب إلا أن يجمل النظر فيما سبق فيه ويتفرغ للتفاريع.<sup>1</sup>

Shāh Sāhib *rahimahullāh* goes into a unique discussion on this subject. He says that after the second century of the Hijrah, the 'ulamā' also began affiliating themselves with the Madhāhib of the Mujtahids. There was hardly anyone during this period who did not rely on the Madh-hab of a specific Mujtahid. He goes on to say that this was necessary and obligatory at that time. The question that comes up now is that what was the need for the 'ulamā' who came after the second century to follow a Mujtahid? Shah Sāhib *rahimahullāh* gives the following answer: A scholar of jurisprudence can follow only two paths:

(1) He must ponder and reflect over the same issues, occupy himself in investigations and research on the same issues for a second time – issues which had already been discussed by those before him, whose proofs on that issue were assessed by them and they had come to a conclusion. Shāh Sāhib *rahimahullāh* says that even in this case, the scholar will have to follow a scholar before him. If he does not follow a scholar before him, he will have to search for proofs on his own, evaluate and assess them, lay down principles of extraction from them, lay down rules to give preference to certain proofs over others, etc. – all of which is a long-drawn, laborious and difficult task. Since it was possible and easy to come to a conclusion on a certain issue by following the principles of a certain Imām, such a lengthy and laborious procedure was a useless and futile exercise.

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<sup>1</sup>الإنصاف: ص ٧٠.

Thus, Shāh Sāhib *rahimahullāh* considered it most beneficial for the ‘ulamā’ who wished to ponder and reflect over the issues and rulings which the past Imāms had already investigated to make Taqlīd of one Imām in at least the principles. Shāh Sāhib *rahimahullāh* says that the ‘ulamā’ who follow this path are known as Mujtahid Muṭlaq Muntasib.

(2) A scholar decides that he is not going to investigate and research the same issues and rulings which ‘ulamā’ of the past already investigated, spent their lives in that regard, assessed the proofs of the ‘ulamā’ before them and then gave preference to one view over others. Instead, he will follow them and spend his time in some other beneficial task, look for Islamic solutions to new issues which are cropping up as a result of changing times and economic and social changes, and explain the rulings of the Sharī`ah in that regard. Shāh Sāhib *rahimahullāh* says that this second category of ‘ulamā’ had a greater need to follow and make Taqlīd of past peoples because the injunctions of the Sharī`ah are links of an interlocking chain which are tied to the same chain of reasons and wisdoms, and their foundation is based on principled facts and standards. Those who followed this second way adopted the opinions and verdicts of an Imām, and extracted new rulings from them. This is how the juristical treasure could be advanced and increased. Without it, rulings of the Sharī`ah for new issues could not be searched for. The ‘ulamā’ of this category are known as Mujtahid fī al-Madh-hab.

I [the compiler say]: It is for this very reason that we see that the ‘ulamā’ who explained the rulings for new issues – for which there were no explicit texts – in every era certainly had to make Taqlīd of a juristical school. They undertook and

fulfilled the task of extracting new rulings from the established principles of the juristical schools themselves.

Shāh Sāhib *rahimahullāh* says that if the 'ulamā' of the second category were to involve themselves in investigating and researching the issues which the 'ulamā' and Imāms of the past spent a lot of time and effort, the discussions on those issues have become so lengthy that they would have spent their entire lives in them and still not reached the level of absolute Mujtahids. Consequently, no one would have the time to investigate the injunctions of the Sharī'ah on new issues.

Shāh Sāhib *rahimahullāh* continues and says that a complete investigation of the contentious issues for which there are clear texts was possible in the beginning. Although there were only few 'ulamā' among the past who could reach this level, in today's times it is certainly not possible to reach that level. Now, jurisprudence and knowledge can only be acquired by following a certain Madh-hab. Shāh Sāhib *rahimahullāh* also explains the reasons for the differences in the times. One easily understood reason which he gives is that the people of the past were closer to the era of prophet-hood, so it was easier for them to investigate the Ahādīth. There were not too many differences as regards the Ahādīth and their chains of transmission. The statements and views of the Sahābah *radīyallāhu 'anhum* and Imāms were found in abundance. It was therefore possible to reach this rank.

Shāh Sāhib *rahimahullāh* goes on to say that it is impossible and merely a figment of a person's imagination if he thinks that he could cast aside the ancient opinions of the Imāms on issues for which there are clear texts, to disregard following them, to

undertake Ijtihād by himself, and then extract new rulings and injunctions.

After explaining this need for following the juristical schools, Shāh Sāhib says:

فالمذهب للمجتهدين سر ألهمه الله تعالى العلماء وجمعهم عليه من حيث  
يشعرون أو لا يشعرون. (الإنصاف)

*Anyway, for the Mujtahids to follow a Madh-hab is a mystery which Allāh inspired in the hearts of the 'ulamā' and made them unanimous on it irrespective of whether they perceive that they were inspired or not.*

The crux of Shāh Sāhib's investigation is that the injunctions of the Sharī'ah comprise a strong integrated system. Thus, if a person accepts one ruling from one particular Mujtahid and another from another Mujtahid, this would result in contradictions and disunity. This is why the Imāms of the four juristical schools laid down certain principles and standards for Ijtihād. In this way, there will be uniformity and system in the fatāwā. The best path for a person undertaking academic investigation is to start his investigation according to the standards of one particular ideology. After choosing that juristical school as a whole, if he finds an issue which is against the truth, he may – on a personal level and specifically for that issue – adopt his own opinion. This has been the method adopted by the 'ulamā' of every era.

We say to those of our brothers who are unduly impressed and intimidated by the Saudi 'ulamā' that the same sentiments described above with regard to following the juristical schools have been shared by Shaykh Muḥammad ibn Sāliḥ al-'Uthaymīn. He says in reply to a question:

الإلتناء إلى المذهب ودراسة قواعده وأصوله يعين الإنسان على فهم الكتاب والسنة، وعلى أن تكون أفكاره مرتبة.

*Allegiance to a Madh-hab (e.g. to be a Hanafi, Shāfi`i, etc.) and studying its principles and standards helps a person to understand the Qur`ān and Sunnah, and for his thoughts to be sequenced.*

### **Another Wisdom Behind Following The Madhāhib**

Another wisdom behind the presence of Madhāhib and their Taqlīd is to save the masses from confusion and uncertainty. Sometimes, ordinary people who lack understanding become confused and perplexed when they see a practice which is different from what is prevalent and well-known in their area or region. The better way is most certainly for people to recognize the juristical differences of the Imāms and to accept them. However, for all practical reasons, experience and observation teach us that when people notice a practice which is different from what they are used to, they consider it strange and astonishing. In fact, it creates doubts and objections in their minds. Therefore, it has always been the practice of the Imāms that if there is any leeway as regards proofs, they do not leave the creed of their own region. Apart from the benefit of reconciling the hearts of the people, the wisdom behind uniformity of practice of the people is obvious. Every justice-seeking person can understand this.

### **It is Essential for The Masses to Follow Their Own `Ulamā`**

I was most pleasantly surprised when I came across a clear and explicit statement of Shaykh Muḥammad ibn Ṣāliḥ al-`Uthaymīn on the hidden wisdom behind the need for following the `ulamā` of one's own areas on juristical issues. I have not come across a more explicit statement than his. Shaykh Muḥammad ibn Ṣāliḥ al-`Uthaymīn was one of the

most senior leaders and scholars of his time from the creed of Shaykh Muḥammad ibn `Abd al-Wahhāb. In reply to several questions, he said that the people must follow the Madh-hab of their local `ulamā'.<sup>1</sup> The sole wisdom behind it is to save the people from division. He says at one place: "The Madh-hab of the masses is the one followed by their `ulamā'. If anyone says: 'I can make Taqlīd of whichever scholar I like, who is there to stop me?' We will say to him:

لا يسوغ لك هذا، لأن فرضك أنت هو التقليد، وأحق من تقلد علماءك، ولو قلدت من كان خارج بلادك، أدى ذلك إلى الفوضى في أمر ليس عليه دليل شرعي...

فالعامي يجب عليه أن يقلد علماء بلده الذين يثق بهم، وقد ذكر هذا شيخنا عبد الرحمن بن سعدي رحمه الله، وقال: العامة لا يمكن أن يقلدوا علماء من خارج بلدهم، لأن هذا يؤدي إلى الفوضى والنزاع، ولو قال: أنا لا أتوضأ من لحم الإبل، لأنه يوجد من علماء الأمصار من يقول: لا يجب الوضوء منه، قلنا لا يمكن، يجب عليك أن تتوضأ لأن هذا مذهب علمائك وأنت مقلدهم.

*This is not permissible for you because you are obligated to make Taqlīd. The most correct thing to do is to make Taqlīd of your `ulamā'. If you were to make Taqlīd of those [ulamā'] who are not of*

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<sup>1</sup> It should be clear that this discussion is on the juristical Ijtihādī differences among the Imāms of the Madhāhib. This does not apply to innovations and baseless customs which are not Ijtihādī.

<sup>2</sup> لقاءات الباب المفتوح: ٣٢\١٩.

*your region, it would result in discord in a matter for which there is no proof from the Sharī'ah...*

*Thus, it is obligatory on an ordinary person to make Taqlīd of the 'ulamā' of his region in whom he has confidence. This has been mentioned by our Shaykh 'Abd ar-Rahmān ibn Sa'dī rahimahullāh. He said that it is not permissible for the masses to make Taqlīd of 'ulamā' who are not from their region because this could lead to discord and disunity. If a person from our region were to say: "I will not perform ablution after eating camel meat (according to the Hambalī school, eating camel meat breaks one's ablution) because there are 'ulamā' in other cities who say that eating camel meat does not break ablution", we will say to him: "No, it is obligatory on you to perform ablution because this is the Madh-hab of the Hambalī 'ulamā' of your region and you are their Muqallid."*

We request the readers, especially those of our brothers who do not accept Taqlīd, to ponder over the above text of this leader. Look at how often the Shaykh emphasised the necessity of Taqlīd for the masses, especially the Taqlīd of the 'ulamā' of their region. If only our brothers were to ponder and reflect over the discord and disunity which they are causing in India where the Hanafī school is common and accepted. They are calling on the masses to follow another creed – especially the creed of Saudi Arabian 'ulamā' – in the name of practising on Hadīth or in the name of following the creed of the Ahl al-Hadīth. Look at the extent of discord, disunity and conflict which they are causing!

Shaykh Muḥammad al-'Uthaymīn and Shaykh 'Abd ar-Rahmān ibn Sa'dī did not witness what we are witnessing. We see conflicts in masjid after masjid, debates, verbal abuses, physical fights, one side initiating a fight and the other side responding in the same way, and so on. This tribulation is

completely wiping out the unity and love which prevailed among the Muslims. Had these scholars witnessed all this, they would have realized what a serious tribulation it is – that merely for the sake of Ijtihādī matters and differences in creed, people are asked to leave the ways of the ‘ulamā’ of their regions and called on to make Taqlīd of outsiders. This is certainly a serious tribulation.

In the above-quoted text, Shaykh Ibn al-‘Uthaymīn also explicitly forbade a person – on an individual and personal level – to differ with the opinion of his local ‘ulamā’ and to practise on some other creed. He considers this to be a cause of discord and disunity as well. But here the situation is far worse. Just imagine how much more the disunity and discord will be when others are forced to read Sūrah al-Fātiḥah behind the Imām, to raise the hands when moving from one posture of ṣalāh to another, to tie the hands above and not below the navel, to leave the Hanafī Madh-hab or else you will be acting against the Qur’ān and Sunnah and so on!?

Another text of the Shaykh is worthy of consideration:

نحن الآن مذهبنا مذهب الإمام أحمد، ثم إن المذهب الآن صار في الحقيقة غير مأمون به من كل وجه، لأننا وجدنا علماء بارزين يفتون بغير المذهب، فإذا اشتهر قولهم في البلاد، فالعمل على قولهم بالنسبة للعامة ولا يمكن أن تفتح له الباب، ونقول: اتبع من شئت من علماء المشرق والمغرب، هذا غير صحيح<sup>١</sup>.

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<sup>١</sup>اللقاءات الباب المفتوح: ١٠٠\١٢، شامل مجموعة المكتبة الشاملة.

*Our Madh-hab is presently that of Imām Aḥmad. But the fact of the matter is that we do not have full confidence in it because we find some senior 'ulamā' issuing verdicts which is different from the Madh-hab. Now that their verdict has become popular in our country, the masses will have to practise on it. We cannot open a door for the masses and tell them: You may follow whichever 'ulamā' of the East and West you like. This is not correct.*

### **Ijmā on Taqlīd of The Madhāhib**

The Shaykh mentions the wisdom behind the centuries-old practice of people following the Madh-hab of their respective regions. Notwithstanding that wisdom, the point which needs special attention is that let alone Ijmā' on Taqlīd in general, there is Ijmā' on making Taqlīd of the Madhāhib. The Saudi 'ulamā' and the 'ulamā' following the creed of Shaykh Muḥammad ibn 'Abd al-Wahhāb also make Taqlīd of the Madhāhib in general. Like the erudite 'ulamā' of the different Madhāhib, they too call towards moderation in Taqlīd. Later on, we will quote statements of the leaders of Muslims – especially the 'ulamā' of India – on the path of moderation in Taqlīd. However, it is essential to bear in mind that Taqlīd of the four juristical schools is a unanimous decision of the Ahl as-Sunnah.

### **An Important Reason for Restricting The Four Madhāhib**

The erudite scholars of almost all the juristical schools, e.g. Imām Nawawī, Ibn al-Humām, Ibn 'Ābidīn and others, state that general Taqlīd is essential for an ordinary person, and it is not necessary to restrict one's self to one Madh-hab. Different 'ulamā' may be followed on different issues.

However, the further we moved away from the era of prophet-hood, integrity and trustworthiness in the Muslim nation gradually decreased. People began making the Sharī'ah a toy

in the sense that when they came across something unlawful in their own Madh-hab they began searching for a Madh-hab in which that same thing was lawful. They then adopted it on the pretext that they are Muqallids of such and such Madh-hab on that particular issue. For example, a Hanafi woman has jewellery. In order to avoid paying zakāh on it, Satan will delude her into following the Shāfi`ī Madh-hab on this issue. If an open permission was granted for people to behave in this manner, the Sharī`ah would have been reduced to an object of amusement and a toy to be played around with.

Worshipping of one's desires is a dangerous tribulation. In order to protect the Dīn from it, the 'ulamā' were compelled to issue the ruling that a person must restrict himself to one Madh-hab and abstain from changing a Madh-hab out of his own desire. Instead of quoting from someone else, we will quote a statement of a scholar who is respected and appreciated by the Salafis themselves. Ibn al-Qayyim writes:

Worshipping of one's personal whims and desires in Dīn, looking at one's personal benefit, to issue a verdict that a person may follow a Madh-hab in which his own need is fulfilled or through which his relative experiences ease...is the biggest act of iniquity and the worst sin.<sup>1</sup>

Imām Shāṭibī writes in *al-Muwāfaqāt*<sup>2</sup> that worshipping of one's desires had targeted the muftīs as well. When a ruling was severe in their own creed and the questioner was a relative or a senior leader, they used to issue a ruling based on the concession of another creed. Imām Shāṭibī labels it

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<sup>1</sup> *Ilām al-Muwaqqi'īn*, vol. 4, p. 231.

<sup>2</sup> Vol. 4, pp. 134-135.

unlawful. In fact, Hadrat Shāh Walī Allāh *rahimahullāh* went to the extent of saying that unjust judges had resorted to this ruse in their courts.

Zarkashī *rahimahullāh* states in the famous book<sup>1</sup> on the principles of Shāfi'ī jurisprudence that Ibn al-Munīr adopted a middle way in this regard. He said: Initially it was permissible to practise on any Madh-hab. But the permissibility no longer remained once the four juristical schools became popular and codified. This is because the people know the rulings of the four juristical schools on most issues. They know where to find the concessions and where they can obtain a fatwā which suits their needs. For example, previously when a Shāfi'ī asked a ruling from a Hanafī muftī, he did not know what answer he will get. But now he knows where strict fatwās can be obtained and where lenient ones can be obtained. Now if a person goes from one Madh-hab to another, he will do it solely to obtain some freedom from a restriction of the Sharī'ah.

This situation compelled the 'ulamā' to stipulate that following just one Madh-hab was essential. In other words, it is essentially necessary and sufficient for the masses to make Taqlīd of any scholar in rulings based on Ijtihād. However, the tribulation of self-worship compelled the 'ulamā' to make it essential for the masses to restrict themselves to their own Madh-hab. This was done for the benefit of the masses. Who can deny the need for such precautionary steps during the present times of self-worship and religious retrogression?

However, if a muftī who is steeped in knowledge considers the opinion of another creed to be preferred, provided it is

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<sup>1</sup> *Al-Bahr al-Muhīt*, vol. 4, p. 592.

based on proofs, then he will be permitted to practise on it. We will explain this further on.

### **The Imām of Hadīth, Yahyā ibn Ma`īn, Was a Hanafi**

The `ulamā' know well the high position which is enjoyed by Hadrat Yahyā ibn Ma`īn *rahimahullāh*. He was a contemporary of Imām Aḥmad ibn Hambal *rahimahullāh* and on the same level as him in the field of Hadīth. He holds a very lofty position in the science of narrators of Hadīth. He lived in the beginning of the third century of the Hijrah. He was a Hanafi despite his erudition and seniority in the field of Hadīth. Imām Dhahabī *rahimahullāh* says:

قد كان أبو زكريا رحمه الله حنفيا في الفروع

*Abū Zakarīyyā (Yahyā ibn Ma`īn) was a Hanafi as regards juristical rulings.*

This shows that the senior Hadīth scholars of the third century considered the Taqlīd of a Madh-hab to be acceptable. As for the fourth and fifth centuries, and thereafter, all those on the truth followed the juristical school of their region. You can take the name of any leading scholar of Islam and you will certainly find him attributing himself to one of the Madhāhib. If you search carefully, you will find just a handful who did not follow a particular Madh-hab. However, they will be such that when compared to the Muqallid `ulamā' of the different Madhāhib, they will hold no weight whatsoever as regards their academic rank and position, and their popularity and acceptance in the Muslim nation. Anyway, they number just three or four among thousands.

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<sup>1</sup>سير الأعلام: ١١٨٨.

## Ibn Taymīyyah and Ibn Qayyim Were Also Muqallids

Ibn Taymīyyah and Ibn Qayyim are at the head of the list of the few 'ulamā' in whom our Ghayr Muqallid brothers have a lot of confidence. The scholars unanimously state that the two were Hambalīs. The well-known Salafī Saudi scholar, Shaykh Sālih al-Fauzān says:

ها هم الأئمة من المحدثين الكبار كانوا مذهبيين، فشيخ الإسلام ابن تيمية وابن القيم كانا حنبلين، والإمام النووي وابن حجر كانا شافعيين، والإمام الطحاوي كان حنفياً، وابن عبد البر كان مالكياً!

*The senior Imāms among the Muhaddithūn were followers of the Madhāhib. Shaykh al-Islam Ibn Taymīyyah and Ibn al-Qayyim were Hambalīs. Imām an-Nawawī and Ibn Hajar were Shāfi'īs. Imām at-Tahāwī was a Hanaḩī. Ibn `Abd al-Barr was a Mālikī.*

Someone may make an objection to the above by saying that their acceptance of a Madh-hab was such that if they came across any proof which was clearly against what their Madh-hab said, they would leave their Madh-hab on that issue.

Our reply to it is that this point could be right, but what we are trying to prove here is that the present call to completely abandon following the four juristical schools and instilling aversion towards them among the masses are tribulations and conspiracies which are completely against the Ijmā' of the Muslim nation and a completely new way. Whereas all the true proponents of the Muslim nation have always accepted the Taqlīd of the four juristical schools.

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<sup>1</sup>إعانة المستفيد، شرح كتاب التوحيد: ١٢١.

The other point in this regard is that to assess the Madh-hab in the light of proofs, to leave certain rulings of it and adopt the rulings of another Madh-hab – in the light of proofs – is not only permissible for erudite scholars such as Ibn Taymīyyah, Tahāwī and Nawawī but essential. The erudite scholars of all the juristical schools have been saying this. However, this is a different matter and what you [Salafīs] are calling towards is a different matter. You consider every type of Taqlīd to be unlawful, in fact, polytheism. The difference between the two is as the distance between the sun and moon. How can this practice of these great personalities be likened to these people [Salafīs] who unilaterally consider Taqlīd of the four juristical schools to be an innovation, unlawful, and label it as emulation of the rabbis and monks?

Ibn Taymīyyah himself attributed himself to the Hambalīs. In countless places in his *Fatāwā* he refers to Hambalī jurists as “our companions”. For example, he says with regard to the well-known Hambalī jurist:

قال أبو يعلى الصغير من أصحابنا (١٤٨/٢٠)

*Abū Ya`lā as-Saghīr from our companions [Hambalīs] said...*

Ibn Taymīyyah very clearly states that if a person considers it better to make Taqlīd of any one of the four juristical schools, then it is not permissible for anyone to reprimand him or make objections against him. He writes:

من ترجح عنده تقليد الشافعي لم ينكر على من ترجح عنده تقليد مالك  
ومن ترجح عنده تقليد أحمد لم ينكر على من ترجح عنده تقليد الشافعي  
ونحو ذلك. (٢٩٢/٢٠)

*The person who considers it better to make Taqlīd of Imām Shāfi`ī will not object against the one who considers it better to make Taqlīd of Imām Mālik. In the same way, the person who considers it better to make Taqlīd of Imām Aḥmad will not object against the one who considers it better to make Taqlīd of Imām Shāfi`ī and so on.*

### **Shaykh Muḥammad ibn Abd al-Wahhāb and His Followers Were Hambalis and They Considered it Obligatory to Make Taqlīd of The Four Juristical Schools**

The son and deputy of Shaykh Muḥammad ibn `Abd al-Wahhāb clarifies the creed of his group as follows:

ونحن أيضا في الفروع على مذهب الإمام أحمد بن حنبل ولا ننكر على من  
قد أحد الأئمة الأربعة دون غيرهم لعدم ضبط مذاهب الغير، الرافضة  
والزيدية، والإمامية ونحوهم، ولا نفرهم على مذاهبهم الفاسدة، بل نجبرهم  
على تقليد أحد الأئمة الأربعة.<sup>1</sup>

*We follow the Madh-hab of Imām Aḥmad ibn Hambal rahimahullāh in subsidiary issues, and we do not reject anyone who follows one of the four juristical schools. Yes, we will not permit him to follow any other Madh-hab [apart from these four] because the others are not preserved and codified. These include the Rawāfiḍ (Shī`ah), Zaydīs, the Shī`ah who follow twelve Imāms, and others like them. We do not accept them because they are baseless creeds and we compel them to make Taqlīd of one of the Imāms.*

Read the underlined words again. Who is at the forefront in making it unlawful to make Taqlīd of the four juristical schools? At least no one from among the well-known and accepted Imāms of the Ahl as-Sunnah.

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<sup>1</sup>الدرر السنية: ٢٧٧\١.

## All The Muhaddithūn and 'Ulamā' are in Favour of Taqlīd of The Four Juristical Schools

We only see statements on the permissibility of Taqlīd from the Imāms after the fourth and fifth centuries of the Hijrah. They certainly number in the thousands. They all mean Taqlīd of any one of the four juristical schools. This is why we see Taqlīd of these four schools most common after the fourth century. When the word Taqlīd was mentioned, it meant Taqlīd of the four schools which all the 'ulamā' of the Muslim nation have been accepting.

## There is Unanimity on Taqlīd of The Juristical Schools

We already quoted the unanimity of the reliable 'ulamā' on the issue of Taqlīd in general. This means that an ordinary person must accept the ruling of a scholar even if he does not understand its proof. We will now go into some detail to prove that there is also unanimity that people must follow one specific juristical school, especially of the four from the Ahl as-Sunnah. As we have repeated this point several times in this book that the greatest and most absolute proof on the validity of a matter is the unanimous decision of the reliable 'ulamā'. A person having an average understanding of Islam, not deprived of Allāh's fear, and not paralysed by fanaticism and obstinacy from understanding the truth will never make a statement against the Ijmā' of the Muslim nation. Hadrat Shāh Walī Allāh rahimahullāh writes:

هذه المذاهب الأربعة المدونة قد اجتمعت الأمة، أو من يعتد به منها، على جواز تقليدها إلى يومنا هذا. (الإنصاف)

*The permissibility of making Taqlīd of these four juristical schools is a continuous unanimous decision of the Muslim nation or at least of its reliable 'ulamā' to this day.*

We proved in detail that since the early eras – in fact, since the era of the Ṣaḥābah *raḍiyallāhu `anhum* – the practice of Individual Taqlīd or of specific juristical schools for specific regions was already common. All praise is due to Allāh *ta`ālā*, such clear proofs were provided for this argument that there ought to be no doubt in this regard.

### Individual Taqlīd Before The Fourth Century

Ibn Taymīyyah *rahīmahullāh* states that the people of Syria used to make Taqlīd of Imām Auzā`ī *rahīmahullāh* until the fourth century of the Hijrah. He writes:

والأوزاعي إمام أهل الشام، وقد كانوا على مذهبه إلى المائة الرابعة.<sup>1</sup>

*Auzā`ī is the Imām of the people of Syria. They were on his Madh-hab until the fourth century.*

Imām Auzā`ī *rahīmahullāh* is an Imām of the second century. Ibn Taymīyyah acknowledges that the people of Syria used to make his Taqlīd until the fourth century. This shows that it is incorrect to say that Taqlīd or making Taqlīd of a specific Imām was not in vogue before the fourth century. Those who prohibit Taqlīd have misunderstood Shāh Wālī Allāh's statement in this regard. His statement should be referred to in *Hujjatullāh al-Bālighah* and *al-Inṣāf*. He says that there was no consensus on making Taqlīd of a specific Madh-hab before the fourth century. In other words, some people used to make Taqlīd of a specific Madh-hab while others did not. The very same Shāh Walī Allāh Ṣāhib states further on that all the reliable and erudite `ulamā' unanimously agreed on the Taqlīd of the Madhāhib later on.

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<sup>1</sup>مجموع الفتاوى: ٥٨٣\٢٠.

To sum up, all those who are on the truth unanimously accept the Taqlīd of the four juristical schools. Throughout Islamic history, you will not come across any generally accepted scholar of those who are on the truth calling towards the abandonment of Taqlīd as is done from certain quarters today. In fact, even those 'ulamā' whom our Ahl al-Ḥadīth brothers consider to be on the truth never prohibited the masses from making Taqlīd of the four juristical schools. Instead, each one of them chose Taqlīd to some degree even for his own self.

Anyway, this point is clear to every justice-seeking person that a call towards moderation as regards Taqlīd can only be the stand of the 'ulamā' of Islam and that the call to abandon Taqlīd is a baseless and new call for which there is no precedent. From among the 'ulamā' of Islam, no one apart from the likes of Ibn Ḥazm *rahimahullāh*, is at the forefront of this call.

The Imāms of Ḥadīth were not only proponents of Taqlīd but also followed the juristical schools in general. Maulānā Ṣiddīq Ḥasan Khān Qanūjī, a well-known Ahl al-Ḥadīth scholar, states in his book, *al-Ḥittah fī Dhikr as-Siḥāh as-Sittah*, that Imām Abū Dāwūd *rahimahullāh* was a Ḥambalī or Shāfi'ī and that Imām Nasa'ī was a Shāfi'ī. It was specifically since the fifth century of the Hijrah – i.e. after the four juristical schools were codified and became popular, and those previously-mentioned reasons which demanded Taqlīd of the juristical schools – to this day that all the Muḥaddithūn have been making Taqlīd on of one of the four juristical schools.

For example, Dāraqutnī, Bayhaqī, Ibn 'Abd al-Barr, Mundhirī, Ibn al-Mundhir, Khallāl, Ṭahāwī, ar-Rāmhurmuzī, Khattābī, Ibn Mandah, Abu Nu'aym, Khaṭīb Baghdādī, Khaṭīb Tabrezī, Ibn Mākūlā, Baghawī, Qādī 'Iyād, Ibn 'Asākir, Ibn al-Jauzī,

Diyā' Maqdisī, Muzanī, Barzālī, Taqī ad-Dīn Subkī, Tāj ad-Dīn Subkī, Ibn aṣ-Ṣalāh, Ibn Qudāmah Maqdisī, Dhahabī, Ibn Kathīr, Nawawī, Zayla'ī, Ibn 'Abd al-Hādī, Ibn Rajab, 'Irāqī, Ibn Hajar Haythamī, Ibn Hajar 'Asqalānī, Sakhāwī, Suyūṭī and countless others. All these personalities were Imāms in the field of Hadīth in their respective times. Not only were they Imāms in this field, this science of Hadīth progressed through them.

The essential point which ought to be pondered over here is that this shows that the creed of the Muḥaddithūn is that of Taqlīd and not an absence of it.

## SECTION FOUR

### DIFFERENT LEVELS AND CATEGORIES OF TAQLID

In the previous pages we went into some detail about the reality of general Taqlīd and Taqlīd of the juristical schools, and the need for them for the masses. General Taqlīd refers to an ordinary person asking a scholar of the Sharī`ah about a certain ruling and accepting it without asking him for proof after having confidence in him that he is in fact conveying a ruling of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*. This is only done in contentious issues regarding which the `ulamā' have differences. This practice was prevalent during the era of the *Ṣaḥābah radiyallāhu `anhum*. When four different schools formed gradually, the `ulamā' selected any one of them. The organizational wisdoms behind this system were explained in some detail in the previous sections.

In the present section I would like to present an essential point which concerns following the juristical schools, viz. those who attribute themselves to the four juristical schools are not of the same level and category. Rather, there are different levels based on each one's academic capability. Based on this, their Taqlīd is divided into different categories and the ruling for each one is also different.

The fundamental objection against Taqlīd is that if a Muqallid comes across a Hādīth or some other proof of the Sharī`ah which is in contradiction to his Madh-hab, how can it be permissible for him to still follow his Madh-hab? The answer to this question can only be understood if we understand the

categories as laid down by the 'ulamā' because each one has a different meaning of Taqlīd.

On the sole basis of the principles of jurisprudence, the 'ulamā' have divided those who follow the Madhāhib into four categories, while some have divided them into six to seven categories. They have laid down separate rules and standards for each category. However, for the ease of ordinary people like us, they divide them into three main categories. The famous Shāfi'ī jurist, Zarkashī, and many other 'ulamā' have divided the followers of the Madhāhib into three main categories.

Zarkashī writes that no person is a Muqallid with regard to the rulings which are established with certainty. Just as the Mujtahids follow them directly from the Qur'ān and Sunnah, so do the masses. However, there is one category which requires Ijtihād and extensive knowledge. People are divided into three sub-categories:

1. A Mujtahid.
2. A scholar who has not reached the rank of a Mujtahid but his knowledge is firm and extensive.
3. The masses.<sup>1</sup>

#### **1. Taqlīd of The Masses**

All those who are not experts in the Islamic sciences to the extent where they cannot make Ijtihād fall under the category of masses.

Apart from the absolutely ignorant people, this category will include those educated people who may be experts in their

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<sup>1</sup> *Al-Bahr al-Muhīt*, vol. 4, p. 566.

respective fields, but have not studied the Qur'ān, Hadīth, Islamic jurisprudence and related sciences.

Many so-called scholars and 'ulamā' will also be included in this category. They may have undertaken formal studies of Islamic sciences in the Madāris, but they could not acquire such insight whereby they could – through their research – reach a certain verdict on the differences among the Imāms. Zarkashī states that the 'ulamā' unanimously state that Taqlīd is compulsory for such masses. They are not permitted to derive rulings from the Qur'ān and Hadīth according to their own opinions. At this point, Zarkashī quotes a statement of the well-known Muḥaddith and jurist, Imām Ibn 'Abd al-Barr, who says that the 'ulamā' unanimously state that it is compulsory on the masses to make Taqlīd.<sup>1</sup>

It is not the job of a Muqallid of this level to confuse himself about proofs, to try and work out which creed's opinion is better, and which jurist's and Mujtahid's proof is stronger. His sole responsibility is to specify a Mujtahid for himself and to continue relying on him in every matter. This is because he does not have the required capability to decide between which proofs are stronger and which are not. In fact, if such a person were to coincidentally come across a Hadīth which appears to contradict the creed of his Imām Mujtahid, it is still his duty to practise on the creed of his Imām Mujtahid, and to believe that he does not understand the correct meaning of that Hadīth or that his Imām Mujtahid probably has another stronger proof for that Hadīth.

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<sup>1</sup> This statement of Hāfiẓ Ibn 'Abd al-Barr is to be found in his book, *Jāmi' Bayān al-'Ilm wa Faḍlihi*. We will quote it with references later on in this book.

It may appear to be strange that the creed of the Mujtahid is accepted while a way out is sought to move away from a Hadīth. However, the fact of the matter is that the type of Muqallid whom we are discussing has no other alternative. If such a Muqallid was given the option to leave the creed of his Imām whenever he came across a Hadīth which was different from his own creed, it will result in nothing but confusion and serious misguidance. This is because deriving rules from the Qur’ān and Hadīth is a very deep and extensive science. Even if a person were to spend his entire life, he cannot acquire total proficiency in it. Sometimes, the obvious words of a Hadīth give off one meaning while a totally different meaning is derived when looked at in the light of other proofs from the Qur’ān and Hadīth. If an ordinary person were to practise merely by looking at the external meaning of just one Hadīth, it would lead to various types of misguidance.

Hadrat Maulānā Muftī Muḥammad Taqī ‘Uthmānī Sāhib relates an amusing incident in this regard. He writes:

I had a friend who used to read a lot. He had a special interest in studying Hadīth. Together with this, he had this point settled in his mind that: “Although I am a Hanafī, if I come across any ruling in the Hanafī creed which is different from a Hadīth, I will not practise on it. Subsequently, he taught the following rule to a person in my presence: “When you pass wind, your wudū’ will not break as long as you do not perceive the foul smell or do not hear the sound of passing wind.” I realized how this poor fellow fell into this misunderstanding. I tried to explain to him, but he insisted: “I came across this point in a Hadīth of

Tirmidhī, so I cannot leave it out merely because you are saying so.” When I eventually explained the meaning of that Hadīth to him in detail and clarified the facts to him, he replied: “I had been practising on it for a very long time. I do not know how many ṣalāhs I continued performing under the assumption that because I did not perceive a smell or hear a sound, my wuḍū’ was still intact.”<sup>1</sup>

### **The Masses Will be Misguided if They do Not Follow The ‘Ulamā’**

I myself had a friend who received Western education and studied a bit about Islam from English literature. He was under the misunderstanding that when it comes to religious issues, he would undertake a direct study, and whatever conclusion he comes to will be the correct one. He does not have to consult the ‘ulamā’. Consequently, he remained caught up in a dangerous misunderstanding. His father passed away without perform ḥajj despite having the means to do so. He left behind a considerably large estate. The deceased’s widow – my friend’s mother – was insisting on performing ḥajj by proxy while my friend – may Allāh pardon him – in the light of his personal study of the Qur’ān and Hadīth continued telling her that this was not possible. A person performing ḥajj on behalf of another will not absolve the latter of his obligation. He considered the following verse of the Qur’ān to be a proof for what he was saying:

وَأَنْ لَّيْسَ لِلْإِنْسَانِ إِلَّا مَا سَعَى

*Man will only receive the fruits of what he strove for.*

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<sup>1</sup> *Taqīd kī Shar’ī Haythīyyat*, p. 88.

One day he was speaking about it to me casually and made as if he taught his mother a very scholarly and correct ruling. I explained to him in detail and informed him that the verse which he was quoting does not even refer to this issue. All the 'ulamā' – based on explicit Ahādīth – unanimously state that if a person passes away without performing ḥajj although it had been compulsory on him, then ḥajj by proxy ought to be performed on his behalf. Only then did he have this ḥajj performed on behalf of his father. Had this misunderstanding of his not been removed, we do not know for how long this obligation of ḥajj would have remained on his father's shoulders. No matter what, the masses have to make Taqlīd of a scholar.

## 2. Taqlīd of a Mujtahid

If a person is a Mujtahid himself and has reached a certain conclusion on a certain issue through pondering and reflecting over proofs of the Sharī'ah, it is not permitted for him to make Taqlīd.<sup>1</sup> However there is one level of Ijtihād where some Mujtahids are impressed by a certain senior Imām to the extent that they adopt his thought processes and principles. Due to their concurring dispositions and agreement in thought processes, they are considered to be subservient to that Imām despite being on the level of Ijtihād themselves. For example, Abū Yūsuf and Muḥammad among the Ḥanafīs, Muzanī and Buwayṭī among the Shāfi'īs, Abū Bakr Marwazī and al-Athram among the Ḥambalīs. The jurists refer to such Mujtahids as Mujtahid Muntasib and Mujtahid fī al-Madhhab.

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<sup>1</sup> *Al-Baḥr al-Muḥīṭ*, vol. 4, p. 332; also refer to *Taysīr at-Taḥrīr*.

Imām Suyūfī and other 'ulamā' clearly state that these personalities are not Muqallids in the normal definition of a Muqallid. However, since they follow their Imām in principles, they are attributed to their respective Madhāhib.<sup>1</sup>

Imām Suyūfī says that although they gave opinions in conflict with the rulings of their creed, they have served their creed through engrossing themselves in details, extracting rulings and proliferating it. Their disagreement with their Imām is less than their agreement with him. So although they have reached the level of Ijtihād, the 'ulamā' have included them as followers of their Imāms. Imām Suyūfī quotes the statements of Nawawī, Imām al-Haramayn, Rāfi'ī and Ibn as-Salāh in this regard, and comes to the following conclusion:

إن نصوص العلماء مطبقة على أن المجتهدين من اتباع الأئمة غير خارجين عن الإنتساب إليهم والعدد في جماعة أصحابهم والإعتناء إليهم فيقال لهم الشافعية والمالكية والحنفية.<sup>2</sup>

*The 'ulamā' unanimously state that the Mujtahids who follow the Imāms cannot be removed from their affiliation to them, from being listed in their group and being attributed to them. They are still referred to as Shāfi'īs, Mālikīs and Hanafīs.*

### **Ibn Taymīyyah Belongs to The Same Category of Hambalis**

Mujtahids of this nature who attribute themselves to a Madh-hab and generally follow it, by and large follow the view of the Madh-hab as regards the principles of Ijtihād, extracting of rules and thought processes, and in almost most of its

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<sup>1</sup> *Irshād al-Muhtadīn*, p. 16.

<sup>2</sup> إرشاد المهتدين: ص ١٩.

subsidiary issues and rulings. We can unhesitatingly include the name of Ibn Taymīyyah Hambalī among such Mujtahids. He is certainly a Mujtahid and of a very high calibre. Despite some of his personal views, all those ‘ulamā’ who studied his books acknowledge his leadership and Ijtihād. Despite this, he considers himself to be a Hambalī and resorts to the Hambalī principles of deriving rulings. Where he sees the possibility of practising on the Hambalī school as regards contentious subsidiary issues, he practises on them. But he himself is a Mujtahid. There are certain places where he feels that the view of his Madh-hab is not preferable. In such cases, he does not follow his Madh-hab. But this is seen in only a few issues. I don’t think anyone will be able to find an example where Ibn Taymīyyah said: “Such and such view of the Hambalī school is against the Qur’ān and Hadīth.” We had quoted the statement of Shaykh Muḥammad ibn ‘Abd al-Wahhāb previously when he said that rarely did such an occasion rise among the followers of the four juristical schools. There are many such Mujtahids in the four juristical schools, and the ‘ulamā’ are almost unanimous that although these Mujtahids are on the level of Ijtihād, they follow the Imāms as well. Yes, if they feel that a view of an Imām is against certain proofs, the Shari’ah does not permit them to follow the Madh-hab in such a case.

### **A Mujtahid Does Not Follow the Madh-hab in Opposition to What is Right According to Him**

A Mujtahid has to have insightful knowledge of the Qur’ān, Hadīth, associated sciences, Arabic language and styles, differences among the Sahābah *radīyallāhu ‘anhum* and creeds of the Imāms. Furthermore, the senior and erudite ‘ulamā’ of his era must acknowledge him as a Mujtahid. If a person reaches the level of Ijtihād, the ‘ulamā’ of all juristical schools

concur that it becomes his incumbent duty to follow the Qur'ān and Sunnah in accordance with his Ijtihād.<sup>1</sup>

The 'ulamā' also state that it is not essential for a Mujtahid to have reached the level of Ijtihād on all rulings of the Sharī'ah. Rather, it could be possible for him to acquire such proficiency on a certain ruling or a specific chapter. If he encompasses all the proofs on a specific issue and is satisfied that a certain view is correct and the other is not, he will – according to his knowledge – derive the ruling directly from the Qur'ān and Sunnah and be bound to it.

### 3. Taqlīd of a Scholar Firmly Embedded in Knowledge

There is a third level between that of the masses and a Mujtahid. It is of those 'ulamā' who possess insightful knowledge of the Qur'ān, Sunnah, Tafsīr, jurisprudence, principles of jurisprudence, Arabic and other sciences; and who remain occupied in these sciences for some time.

The Taqlīd of such 'ulamā' is different from that of the masses. The masses cannot even interfere in matters pertaining to proofs. They will merely act on the fatwā of the 'ulamā' whom they have confidence in. However, the scholar of this level [firmly embedded in knowledge] has a certain amount of leeway whereby if he perceives that the Madh-hab which he is following is against a certain authentic Hadīth on a certain issue, and it does not have any strong proof for its view – then the view of the majority of the jurists of the four Madhāhib is that such a scholar will leave his Madh-hab on that issue and practise on the Hadīth. However, with the condition that there is a view of another Imām which supports it.

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<sup>1</sup> Refer to *Taysīr at-Taḥrīr*, vol. 4, p. 332 and *al-Majmū'*, vol. 1, p. 64.

## The View of Imām Dhahabī

I consider it appropriate to quote the texts of a few Imāms at this point. The statement of the famous Imām of Hādīth, Imām Dhahabī, is quoted:

1. If a person has reached the level of Ijtihād and several Imāms testify to his having reached this level, it is not permissible for him to make Taqlīd.
2. A novice jurist (who is a scholar but is in no way able to make Ijtihād) and an ordinary person are under no circumstances permitted to make Ijtihād. How will such persons extract rulings directly from the Qur'ān and Sunnah? On what basis will they base their Ijtihād and fatwā? They are like a little chick which wants to fly before its wings and feathers have developed.
3. The third category is of that expert scholar who is an expert in jurisprudence, intelligent, bright, an expert in Hādīth, has memorized a concise book of jurisprudence and the principles of jurisprudence, has studied Arabic grammar and etymology, and has the ability to distinguish and evaluate different proofs. Alternatively, he is a person who has reached a level of Ijtihād on certain issues and he can now ponder over the proofs of the Imāms of the Madhāhib. If he clearly sees the right on one side, has the text of the Qur'ān and Hādīth to support him, and one of the senior Imāms has practised on it, then he must act on what is right (according to him) on this particular issue. However, he must not go around searching for concessions. He must opt for Allāh-consciousness.

It is not permissible for him to make Taqlīd after he has established the evidence.<sup>1</sup>

Imām Dhahabī *rahimahullāh* is from among the pillars of the science of Hadīth. We made it a point in this book to clearly demonstrate and prove that not only the Imāms of jurisprudence but even the Imāms of Hadīth are in support of a balanced form of Taqlīd and they consider the four Madhāhib to be on the truth. This is also our view and this is what we say: Leave your fanaticism and extremism and come onto the path of the Imāms of the Muslim nation because anything against this is nothing but ignorance.

While quoting the words of Imām Dhahabī *rahimahullāh*, we underlined two particular statements. Refer to them once again. In the first place, Imām Dhahabī says that a person must not be deceived into thinking that he has reached a level of Ijtihād. Rather, as long as several Imāms do not testify in his favour, he cannot appoint himself to that position nor should his followers fall into such an error.

I request the reader to ponder over the second set of underlined words. After laying down so many conditions, Imām Dhahabī *rahimahullāh* says that such a person has the right to gauge and assess the different proofs of the Imāms. His words are:

who is an expert in jurisprudence, intelligent, bright, an expert in Hadīth, has memorized a concise book of jurisprudence and the principles of jurisprudence, has studied Arabic grammar and

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<sup>1</sup> *Siyar A`lām an-Nubalā'*, vol. 18, p. 191.

etymology, and has the ability to distinguish and evaluate different proofs

We humbly request those who are really scholars among the Ahl al-Hadīth to ponder over the words of an Imām of Hadīth of the calibre of Imām Dhahabī *rahimahullāh*. It is totally wrong for them to allow any Tom, Dick and Harry who has some how or the other acquired a degree from a Madrasah, in fact, many of them have merely read a few booklets in the Urdu language, and are now passing judgement on the proofs of the Imāms of Islam, and issue verdicts that the view of such and such person is against the Hadīth. May Allāh *ta`ālā* guide us all.

#### **The View of Hadrat Shāh Walī Allāh**

Hadrat Shāh Walī Allāh *rahimahullāh* adopted a very balanced and realistic view on this issue. Imām Dhahabī *rahimahullāh* stated that if a scholar who is firmly embedded in knowledge and follows a particular Imām and Madh-hab, and then finds another view more preferable in the light of proofs, then – according to his view and in the light of his research – he must follow the preferred view. Hadrat Shāh Walī Allāh *rahimahullāh* refers to such a scholar as Mutabahhir fī al-Madh-hab. He goes into a detailed discussion as to what such a scholar should do when he comes across an authentic Hadīth which is apparently in conflict with his Madh-hab. He quotes a lengthy discussion from the Hanafī book of jurisprudence, *Khazānah ar-Riwāyāt*, the crux of which is that if a Muqallid is not a Mujtahid but an erudite scholar who understands the Qur`ān and Hadīth, and is an expert in jurisprudence and its principles, then the preferred opinion with regard to such a scholar is that if he perceives that his Madh-hab is in conflict

with the Hadīth, he may leave his Madh-hab in accordance with his perception. In fact, he ought to do this.

In order to further support this view, Hadrat Shāh Walī Allāh *rahimahullāh* quotes the following statement of the famous Shāfi'ī Muḥaddith, Ibn aṣ-Ṣalāh (on whom the science of the principles of Hadīth virtually rests):

من وجد من الشافعية حديثا يخالف مذهبه نظر إن كملت آلات الإجتهد  
فيه مطلقا أو في ذلك الباب أو المسألة كان له الاستقلال بالعمل به.

*If anyone from among the Shāfi'īs comes across a Hadīth which is in conflict with his Madh-hab (and does not find any reliable proof in his Madh-hab), then if such a person is on the level of Ijtihād or at least has the capability of Ijtihād in that particular chapter or that particular issue, he may practise on that Hadīth.*

Shāh Wālī Allāh *rahimahullāh* himself approves this statement, considers it to be the preferred opinion and also quotes the approval of Imām Nawawī *rahimahullāh* in this regard. After quoting the above statement in *al-Majmū'*, Imām Nawawī *rahimahullāh* says:

وهذا الذي قاله حسن متعين

*This opinion of Shaykh Ibn aṣ-Ṣalāh is excellent. In fact, it is the correct view.*

Shāh Wālī Allāh *rahimahullāh* goes on further to say that a small group of 'ulamā' has prohibited such an erudite scholar from moving away from the opinion of his Imām and Madh-hab on a particular issue. However, Shāh Ṣāhib *rahimahullāh*

says that this view is weak and against the view of the majority of 'ulamā'. He writes:

وهو قول ضعيف عند الجمهور... وذهب الأكثرون إلى جوازه، منهم الأمدى وابن الحاجب وابن الهمام والنووي وأتباعه كابن الحجر والرملي وجماعات من المالكية والحنابلة ممن يفضي ذكر أسمائهم إلى التطويل، وهو الذي انعقد عليه الاتفاق من مفتي المذاهب الأربعة من المتأخرين، واستخرجه من كلام أوائلهم ولهم رسائل مستقلة في هذه المسألة.<sup>1</sup>

*This view is weak according to the majority...the majority consider it permissible for an erudite scholar to do this. Āmudī, Ibn al-Hājib, Ibn al-Humām and an-Nawawī, and his followers such as Ibn Hajar, ar-Ramlī and many groups from the Mālikīs and Hambalīs – whose names will prolong this list – are of this view. The latter day muftīs of all four juristical schools concur on this issue. They derived this ruling from the statements of their senior and past scholars and wrote books which are devoted to this subject.*

### Summary

It becomes clear from this entire discussion that an ordinary person who has no knowledge of the sciences of the Sharī'ah – every observant person knows very well that about 99% of the Muslim nation falls under this category – has only one way for him, and that is to make Taqlīd. He can never know – on an individual level – which view of which Madh-hab is preferred and stronger, and which is not. So much so, even if a scholar of Islam were to show him the authentic narrations in favour of a certain Madh-hab, what will he know what the proofs of

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<sup>1</sup>عقد الجيد: ص ٢٤.

another Madh-hab are? And what meaning the 'ulamā' of the other Madh-hab give to the present Hadīth, and what explanation they give to it? It will amount to misunderstanding and self-deception if he assumes that such and such view is stronger in his own opinion. Of what worth is this poor fellow's opinion? What he can do is make Taqlīd of one instead of another, but he cannot pass any verdict on contentious issues and rulings.

If you were to ponder over it realistically and think about the juristical differences which existed among the 'ulamā' and Imāms from the early centuries, each of those 'ulamā' and Imāms were on the highest pedestals of knowledge and the entire Muslim nation concurs on their leadership and great status. Now these Imāms select their own distinct opinions in the light of the knowledge which Allāh *ta'ālā* gave them and the insight which He conferred to them. Thereafter, not only those Imāms, but hundreds of thousands who came after them to this day have been pondering over those same proofs but could not concur on one single view. Some continued on one Madh-hab and others considered another to be correct despite the fact that all of them – in addition to knowledge – were on extremely high levels of piety, fear of Allāh *ta'ālā* and emulation of Rasūlullāh *sallallāhu 'alayhi wa sallam*. All this is sufficient proof for a man of sound disposition to conclude that an ordinary person who merely studied one or two books cannot pass a verdict of one opinion being preferred and the other not when it comes to such contentious issues.

This is why we see Imām Dhahabī, Shāh Walī Allāh and other 'ulamā' like them have laid down two conditions for a person to be in a position to give preference to one view over another:

1. He must really be an erudite scholar who is firmly embedded in knowledge. The 'ulamā' generally lay down the following conditions for such a person: expertise in the Qur'ān and Sunnah, the ability to give preference on contentious issues, deep and extensive knowledge of jurisprudence, proficiency in Hadīth, Hadīth sciences, Tafsīr and sciences related to the Arabic language. We quoted the statement of Imām Dhahabī *rahimahullāh* in this regard, and Shāh Walī Allāh's statement can be seen in his book *al-'Iqd al-'Jīd*.
2. The second and very essential condition is that the opinion which he chooses must also be the opinion of another reliable Imām. The clear statements of the 'ulamā' in this regard were quoted.

If this entire discussion is studied carefully, all objections of an intelligent person with regard to Taqlīd can be removed.

We saw that an ordinary person who does not have deep knowledge of Islamic sciences will do nothing except make Taqlīd. This is that category of people regarding whom the 'ulamā' and jurists say that it is not within them to understand the differences among the Imāms and their proofs. Differences among the Imāms occur in matters wherein there are differences and contradictions in the texts of the Qur'ān and Hadīth, or there is a possibility of more than one meaning. Any way, Taqlīd is made on issues and rulings of this nature.

However, if a man is on such a level of knowledge whereby he can understand the proofs and is able to assess and evaluate the opinions of the Imāms, and then finds the opinion of his Madh-hab in conflict with a Hadīth, then the meaning of being a Muqallid is definitely and certainly not that he must not pay

heed to the proof and continue following his Madh-hab. You have already seen how all the erudite scholars of the four juristical schools concur that such a person must follow the Hadīth in accordance with his knowledge and understanding.

All objections can be removed from the above explanation. This is why we considered it necessary to go to some detail on this subject. All praise is due to Allāh *ta`ālā*, it has been clearly established that the erudite `ulamā' of the four juristical schools believe in this balanced form of Taqlīd. All those objections which are normally made about acting against the Hadīth do not hold any water in the light of the above.

## CHAPTER TWO

### THE BALANCED WAY

In view of the present movements against Taqlīd in specific areas, this book is set to prove that:

1. Taqlīd of the Imāms and Madhāhib is a fact of the Shari`ah and also an organizational necessity.
2. Taqlīd has firm foundations in Islam, and it has proofs in its favour from the Qur`ān and Hadīth.
3. Taqlīd is also a natural need without which an ordinary person cannot follow the Dīn of Muḥammad *sallallāhu `alayhi wa sallam*.
4. All the reliable and erudite `ulamā' of the Muslim nation not only state the permissibility of Taqlīd but of its obligation for an ordinary person.

However, this does not mean that fanaticism, unacceptable dogmatism and extremism must be adopted in Taqlīd. The Shari`ah teaches us the path of moderation. The balanced way as regards Taqlīd is as follows:

1. When a Muqallid makes Taqlīd of an Imām, he does it solely on the basis and belief that he is conveying the order of Allāh *ta`ālā* and His Messenger *sallallāhu `alayhi wa sallam* to us. The lawful is what Allāh *ta`ālā* and His Messenger *sallallāhu `alayhi wa sallam* say. The unlawful is what the Qur`ān and Sunnah consider to be unlawful. The position of the Madh-hab or Imām is merely to explain and clarify the order of Allāh *ta`ālā* and His Messenger *sallallāhu `alayhi wa sallam*. It is neither compulsory nor obligatory on us to follow that

Imām on a personal level. Neither does divine revelation come to him nor is he divinely protected from sin and error.

2. A Muslim's fundamental loyalty lies with Allāh *ta'ālā*, His Messenger *sallallāhu 'alayhi wa sallam* and Islam. All types of love, whether for the 'ulamā' and Imāms, are subservient to the love of Allāh *ta'ālā* and His Messenger *sallallāhu 'alayhi wa sallam*. Therefore, despite making Taqlīd of a Madh-hab, the Madhāhib must not have any partisan fanaticism, propagation of the Madh-hab, and unjust support and defence of the people of the Madh-hab.
3. While considering one's own Madh-hab to be correct, the other Madhāhib must also be recognized as being on the truth. We mentioned previously that the creed of most of the Imāms and erudite scholars with regard to juristical differences is that the opinion of every Mujtahid is correct – كل مجتهد مصيب.

### **The Harms of Doctrinal Extremism**

Unfortunately, after the academic retrogression of the Muslims, the ignoramuses repeatedly cast aside this balanced way. Doctrinal extremism caused and presented many wicked and shameful scenes. In fact, it often ended in fights, arguments and killing. Hambalīs refused to allow Shāfi'īs from being buried in their graveyard.<sup>1</sup> A Shāfi'ī made it obligatory for all Muslims to make Taqlīd of the Shāfi'ī Madh-hab.<sup>2</sup> Shameful scenes of this nature can be found in the pages

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<sup>1</sup>مرآة الزمان، سبط ابن الجوزي: ١٨٢\١.

<sup>2</sup>طبقات الشافعية الكبرى: ٣٤٥\١، نقلا عن الجويني.

of history.<sup>1</sup> We do not want to leave a bad taste in the mouths of the reader by relating these incidents. We will present just one example and continue. There is much admonition in it.

Abū al-Muzaffar Sam`ānī was a famous scholar and jurist. He was first a Hanafī and then adopted the Shāfi`ī Madh-hab. This caused a severe turbulence in the city of Marw. The Hanafīs went into an uproar and the whole of Khurāsān and Iraq were on the verge of getting caught in this fire. The government failed to quell this tribulation but Shaykh Abū al-Muzaffar remained firm on his decision to change his Madh-hab.<sup>2</sup>

On one hand, this fanaticism and uproar of the ignoramuses is despicable and impermissible. It does not behove them to respond in this uncouth manner if a Hanafī decides to become a Shāfi`ī. On the other side, it is also unfortunate for a scholar to be so fanatical about the issue of being a Hanafī or a Shāfi`ī that even when the fires of sedition are ignited among the Muslim masses, he insists on changing his Madh-hab. What was so solemn about the issue of being a Hanafī or a Shāfi`ī that the very unity of the Muslims was allowed to be shred to bits!? He ought to have realized that paying such a heavy price merely to become a Shāfi`ī was certainly a foolish move!

Undoubtedly, fanning the flames of tribulation and discord among the Muslims is a very grave evil. Issues of Madh-hab are nothing compared to it.

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<sup>1</sup>معجم البلدان: ٢٠٩\١، تذكرة اصفهان. تاريخ الإسلام، للذهبي: ١٤\٤١، حوادث ٥٨١هـ.

<sup>2</sup>طبقات الشافعية الكبرى: ٣٤٠\٥.

## Shāh Wālī Allāh Sāhib's Achievement

The erudite 'ulamā' of every era have been raising their voices against such extremism and fanaticism. Hadrat Maulānā Shāh 'Abd al-Haqq Muḥaddith Dehlawī *rahimahullāh* and Hadrat Mujaddid Alf Thānī *rahimahullāh* had blown the original spirit of loyalty to Islam among the Muslims. However, the person who was responsible for the academic revival of Muslims in the Indian Sub-continent and for bringing into existence a balanced and impartial creed was none other than Imām al-Hind Hadrat Shāh Wālī Allāh Dehlawī *rahimahullāh*.

In the course of his lessons, academic writings and assemblies, he demonstrated a balanced and moderate path as regards Taqlīd, Ijtihād, following the Qur'ān and Sunnah, and Taqlīd of the four juristical schools. He tore down the thick veils of fanaticism, removed the dust of inflexibility which had enveloped the intellects and tried to put an end to doctrinal partisanship while blowing the spirit of Islamic brotherhood among the Muslims. He writes in *Fuyūḍ al-Haramayn*: "I received the following glad tidings from the court of Rasūlullāh *sallallāhu 'alayhi wa sallam*: Allāh *ta'ālā* will enable you to carry out a special task of administering this nation."<sup>1</sup>

He made a special call towards reconciling Hadīth and jurisprudence and to especially place the conclusions of the latter scholars on the scale of the Qur'ān and Sunnah. This is an important need. I request the 'ulamā', especially the senior lecturers at Madāris, to carefully study what Hadrat Shāh Sāhib *rahimahullāh* wrote in his book, *al-Insāf*, under the heading:

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١ فيوض الحرمين: ص ٦٢.

## حكاية ما حدث بعد المائة الرابعة

With Taqlīd, Hadrat Shāh Sāhib rahimahullāh laid down this condition that a person's mind must be clear and his intention must be correct about his objective, viz. emulating Rasūlullāh sallallāhu `alayhi wa sallam and following the Qur'ān and Sunnah. This is based on the trust that the person whom we are making the intermediary is a scholar of the Qur'ān and Sunnah, and is merely a representative and interpreter of the Sharī'ah. Moreover, the person's mind must be prepared (even if the occasion comes after a long time) that when he is convinced that the present situation is different, and a different ruling is established from the Sunnah, a believer will never hesitate about opting for the second scenario.<sup>1</sup>

Hadrat Shāh Sāhib's children and deputies, and the representatives of his academic and religious movement continued his work. All praise is due to Allāh *ta`ālā*, through their efforts, the fanaticism and inflexibility of previous times no longer remained. There is a general feeling of broad mindedness as regards the four juristical schools and they are not used as grounds for partisanship. Although the scholars may give preference to their own creed, there is general respect for the views of others.

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<sup>1</sup> This subject is to be found in exactly the same words in all three of Shāh Wālī Allāh's written works, viz. *al-Insāf*, *Iqd al-Jīd* and *Hujjatullāh al-Bālighah*. A scholarly and detailed discussion on this subject can also be found in *Bāb Asbāb at-Tahrīf* in *Hujjatullāh al-Bālighah*. However, what we wrote above is an interpretation of our Hadrat Maulānā Sayyid Abul Hasan 'Alī Nadwī rahimahullāh which he wrote in his *Tārīkh Da'wat wa 'Azīmat*, vol. 5, p. 212.

The fanaticisms which existed among the Hanafis and Shāfi'īs have come to an end, but unfortunately, our Ahl al-Hadīth brothers who consider the juristical schools to be causes of discord in the Muslim nation, have themselves become major causes of juristical doctrinal preferences. Instead of calling towards the original Dīn, these brothers are calling towards a specific approach to contentious juristical issues. In the name of following Hadīth, they are casting aside the Ijtihād of the Imāms and ordering the people to follow their own Ijtihād and views. Consequently, this has resulted in debates, arguments, differences and discord in almost every Muslim country and place inhabited by Muslims. Whether you look at America, England, Australia or India – in fact, we are ashamed to say that even in places like Bosnia and Albania where there is so much of bloodshed and war – we see these disputes and arguments. We complain to Allāh *ta`ālā* and seek His help alone.

Hadrat Shāh Wālī Allāh Muḥaddith Dehlawī *rahīmahullāh* was one of the greatest revivers of Islam in our lands. The Hanafi 'ulamā' of this Subcontinent who practise on this Madh-hab while having full conviction that it is based on the Qur'ān and Sunnah – especially those who are aligned to the Deoband academic school – and similarly those 'ulamā' of the Ahl al-Hadīth who were really scholars, all acknowledge the religious and academic leadership of Hadrat Shāh Sāhib *rahīmahullāh*. From among his many reformational achievements, there is his stand vis-à-vis Taqlīd and Ijtihād and his teachings which are absolutely balanced and broad-minded at the same time. His movement effected an extraordinary reduction in the fanaticism and inflexibility which had existed in the Subcontinent. We made reference to this in the previous pages. We now quote a few texts and

statements of Hanafī ‘ulamā’ of the recent past to further clarify this balanced way. This will prove the moderate and realistic stand which was adopted by the erudite ‘ulamā’, the Imāms of the Ahl as-Sunnah and the elders of Dīn with regard to Taqlīd.

### Hadrat Maulānā Rashīd Aḥmad Gangohī

Imām Rabbānī Hadrat Maulānā Rashīd Aḥmad Gangohī *rahīmahullāh* writes:

In short, after it has been established that this ruling of his Imām is in conflict with the Qur’ān and Sunnah, it is incumbent on every believer to give it up. Once this matter has been made clear, there is no one who should reject it. However, the masses certainly cannot establish this [for themselves].<sup>1</sup>

### Hadrat Maulānā Ashraf ‘Alī Thānwī

We now quote a scholarly article of Hakīm al-Ummat Hadrat Maulānā Ashraf ‘Alī Thānwī *rahīmahullāh*. All angles have been discussed in an extremely balanced, complete and convincing manner. However, we will have to clarify and explain certain points in-between. He writes:

Just as rejection of Taqlīd is deplorable, fanaticism and inflexibility in it is also deplorable...The correct approach to it is this: Taqlīd is not made by considering the Mujtahid to be a promulgator and originator of injunctions. (1) A scholar possessing deep insight, sharp understanding and a balanced disposition learns through his own investigation,

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<sup>1</sup> Hadrat Maulānā Rashīd Aḥmad Gangohī: *Sabīl ar-Rashād*, pp. 30-31.

or (2) an ordinary person learns via a righteous and pious scholar that the preferred opinion on a particular ruling is with the opposite side, he will have to check if the un-preferred ruling also has the leeway of practising on it through a proof of the Sharī`ah. If there is a leeway for practising on the un-preferred ruling, then it is better for him to practise on it in situations where there is a possibility of confusion among the masses and to save the Muslims from discord and disunity. The following Ahādīth are proofs for what was said:

Hadrat `Ā`ishah *radīyallāhu `anhā* narrates that Rasūlullāh *sallallāhu `alayhi wa sallam* said to her: “Did you know that when your people – the Quraysh – built the Ka`bah, they made it smaller than the original foundations of Ibrāhīm *`alayhis salām* (in other words, the present Ka`bah is not on its original foundations. Rather it has been reduced on the side of the Haṭīm)?” I asked: “O Rasūlullāh! So why don’t you reconstruct it on its original foundations?” He replied: “I would have done it had the link of the Quraysh with unbelief not been so recent.” In other words, it would cause unnecessary confusion among the people.

Now look! Although the preferred thing to do was to reconstruct it on the foundations of Ibrāhīm *`alayhis salām*, the opposite, i.e. leaving it incomplete was permissible according to the Sharī`ah. Rasūlullāh *sallallāhu `alayhi wa sallam* left it as it was for fear that reconstructing it would cause confusion and uproar among the people.

It is reported that Hadrat Ibn Mas`ūd *radiyallāhu `anhu* performed the full four rak`ats of ṣalāh when he went for ḥajj. Someone asked him: “Previously you had objected against Hadrat `Uthmān when he did not shorten his ṣalāh [and performed the full four rak`ats], and now you yourself are performing the full four rak`ats!” He replied: “It would be detrimental to do the opposite of what he [Uthmān] was doing.”

When looking at the issue academically, Hadrat `Abdullāh ibn Mas`ūd *radiyallāhu `anhu* did not consider the opinion of Hadrat `Uthmān *radiyallāhu `anhu* to be correct. He felt that the ṣalāh has to be shortened. In fact, when he conducted his classes, he would speak out against Hadrat `Uthmān’s practice. However, while performing ḥajj, he perceived that there were some mischief-makers who were bent on creating an atmosphere of antagonism against Hadrat `Uthmān *radiyallāhu `anhu* and to cause differences, discord and friction among the Muslims. They were waiting for an opportunity to find something with which they could shred the unity of the Muslims.

During those days, that dangerous sedition had started which first resulted in the martyrdom of Hadrat `Uthmān *radiyallāhu `anhu* and then the vile incident of internal fighting among the Muslims commenced. This is why Hadrat `Abdullāh ibn Mas`ūd *radiyallāhu `anhu* did not practise on his personal opinion. Rather, for the sake of Muslim unity and harmony, and to save the masses from discord, he followed the view of Hadrat `Uthmān *radiyallāhu `anhu* which he [Abdullāh ibn Mas`ūd] considered to be weak and against the Sunnah of Rasūlullāh *ṣallallāhu `alayhi wa sallam*. When his students asked

him the reason for following the view of Hadrat 'Uthmān *radīyallāhu `anhu*, he mentioned the wisdom behind it [as quoted above].

Hadrat Thānwī *rahimahullāh* continues:

We learn from this Hadīth that although Ibn Mas'ūd *radīyallāhu `anhu* considered the shortening of ṣalāh to be preferable, he performed the full four rak'ats in order to avoid conflict and discord. However, we learn that he considered it [shortening] to be permissible. Any way, these Aḥādīth support the view that if the un-preferred view is also permissible, it is better to opt for it.

If the un-preferred view does not have the leeway of practising on it, instead, if it is obligatory to leave it or carrying it out would entail committing an impermissible act, and no proof apart from Qiyās can be found in favour of it, while there is an authentic and explicit Hadīth for the preferred view, then in such a case, it will be obligatory – without any hesitation – to practise on the Hadīth. In no way will Taqlīd be permissible on this issue.

However, with the abandonment of Taqlīd on this issue, it is not permissible to act disrespectfully towards a Mujtahid, to vilify him, or to have ill-thoughts about him by thinking that he acted against a Hadīth. This is because it is possible that this particular Hadīth did not reach him, reached him via a weak transmission, or he considered it open to interpretation on some other Shar'ī basis. The Mujtahid is therefore excused. If the Hadīth

did not reach him and he is criticized as regards his expertise, then this is also included in vilification. After all, some Aḥādīth had not reached some of the senior Sahābah *radiyallāhu `anhum* whose expertise in the field of knowledge is an accepted fact. Despite this, it was not considered to be a defect in the perfection of their knowledge.

In the same way, it is not permissible to speak ill of a Muqallid of the Mujtahid who, like the person, is not fully satisfied about the ruling, and who still has the good thought that the Mujtahid's view is not against the Hadīth, and is therefore still making Taqlīd on this basis, and not rejecting the Hadīth although he has not yet fully understood the reason for agreement. So it is not permissible to speak ill of such a Muqallid because he too is holding on to a proof of the Sharī`ah and has the sole intention of following it.

What Hadrat Thānwī *rahimahullāh* means is that if a scholar who is well versed and intelligent, is certain or almost sure – in the light of his research and investigation – that the ruling given by his Imām contradicts the proof which he has, and not only is it un-preferred but there is no room for practising on it (according to this scholar), then there is no way he can continue making Taqlīd of his Imām on this particular issue. However, if another scholar is not satisfied with the view of this scholar and considers the view of the same Imām to be preferred in the light of proofs, then the first scholar cannot speak ill of the second scholar. This is not permissible.

Similarly, there is an ordinary Muqallid who has good thoughts about his Imām and feels that the view of his Imām will be stronger than this scholar’s – but this ordinary Muqallid has very little knowledge to decide how the view of his Imām is better and in conformity with the Qur’ān and Sunnah – and at the same time he is not fully satisfied with the view of the learned scholar, then in such a case, this Muqallid will be excused – in fact, he will be correct to continue with his Taqlīd. He is practising on what he certainly considers to be in accordance with the injunction of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*. This is because it is compulsory on an ordinary person to follow the creed of a scholar in whom he has confidence.

Hadrat Thānwī *rahimahullāh* continues:

In the same way, it is not permissible for this Muqallid to speak ill of a person who gave up Taqlīd on that particular issue because of some reason. This is because the person’s difference is the same as has been coming down to us from the people of the past...How can it ever be permissible to label such a person as a flagrant sinner, deviant, bid`atī<sup>1</sup> or Wahhābī? How can it ever be permissible to be envious of him, bear malice towards him, fight with him, backbite him, swear and abuse him, and criticize and vilify him? All this is absolutely unlawful.

Hadrat Thānwī *rahimahullāh* has discussed the issue from all angles in a most balanced manner. Any person who ponders

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<sup>1</sup> A person who introduces baseless things in Islam under the assumption that they are acts of obedience.

over it impartially and without any emotional sentiments will find this entire discussion most satisfactory and convincing. Hadrat Thānwī *rahimahullāh* goes on further to say that extremists and fanatics on both sides are far from the truth.

However, if a person opposes beliefs or unanimously accepted rulings or speaks ill of the pious predecessors, he is out of the circle of the Ahl as-Sunnah wa al-Jamā`ah. This is because the Ahl as-Sunnah wa al-Jamā`ah are those who are on the path of the Sahābah *radīyallāhu `anhum* as regards beliefs, while these actions [opposing beliefs or unanimously accepted rulings] are against the beliefs of the Sahābah *radīyallāhu `anhum*. This person is therefore out of the circle of the Ahl as-Sunnah and included among those who perpetrate innovations and follow their base desires.

In other words, the person who does not speak ill of the pious predecessors, does not act against the unanimously accepted rulings and his beliefs are not corrupt is not out of the circle of the Ahl as-Sunnah wa al-Jamā`ah. Hadrat Thānwī *rahimahullāh* then says that those who are extremists as regards Taqlīd are also wrong and treading a path which is far from the truth:

In the same way, a person who is fanatical in Taqlīd in the sense that he rejects Qur`ān and Hadīth, then as far as possible, it is essential to remain aloof and distant from both types of people. One should also abstain from getting into arguments with such people.

## A Fundamental Point on This Balanced Way

In order to save the Muslims from differences and discord, Hadrat Thānwī rahimahullāh said that the un-preferred view should be practised upon (provided it does not entail committing anything which is unlawful). The Imāms of the past have always been saying the same thing. The exact same point has been made by Ibn Taymīyyah as well. He says the same thing with regard to subsidiary issues where the differences are solely with regard to what is preferred and what is not, what is superior and what is not. He writes:

ويستحب للرجل أن يقصد إلى تأليف القلوب بترك هذه المستحبات لأن  
مصلحة التأليف في الدين أعظم من مصلحة فعل مثل هذا.<sup>1</sup>

*It is preferable for a person to cast aside these desirable and preferred actions for the sake of reconciling the hearts of people. This is because the advantage of reconciling hearts is far greater than the desirable and preferred actions.*

## If There is a Danger of Discord, The Fatwā Will be Issued According to The Madh-hab Even if The Ijtihād of The Mufti is Something Else

While writing on the subject of a scholar who is firmly embedded in knowledge, the Imām of the Muḥaddithūn, Hāfiẓ Dhahabī rahimahullāh, says that if he sees a view which is clearly stronger than of his own Madh-hab, he will not make Taqlīd of his Imām on that particular issue. However, in order to safeguard the masses from disunity and discord, he will issue a fatwā according to the Imām of his Madh-hab while he himself will practise on the other view.

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<sup>1</sup>مجموع الفتاوى: ٤٠٧٢٢.

لكنه لا يفتي العامة إلا بمذهب إمامه<sup>1</sup>

*However, he will only issue a fatwā to the masses according to the Madh-hab of his own Imām.*

The only thing I can conclude from this is that Imām Dhahabī *rahīmahullāh* considers this essential solely for the sake of saving the poor ignorant masses from confusion and discord. The fact of the matter is that as long as the religious consciousness of the masses does not reach a level whereby they can ascertain the correct degree of juristical differences and their limits, it will be most confusing and baffling to put them through new fatwās. Understand this well! It is the view of the Imām of Hadīth scholars.

Look at how far those people are from the tradition of the Muḥaddithūn and Imāms who distribute Hindi translations of books of other creeds in a country like India where 95% of the Muslims are Hanafīs! Who make this propaganda that this is the original Islam and everything else is counterfeit. Will any person of sound mind not label this as discord and sedition!?

During these times where Islam has become like a stranger, every such person who is worried about the unity of Muslims, and is concerned about carrying out positive religious and reformational works in this era of corruption and atheism – such a person will certainly perceive and be conscious of this volatile situation.

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<sup>1</sup>سير أعلام النبلاء، تذكرة إمام مالك: ٩٣\٨-٩٤.

## Our Elders Were Not Fanatical, But Hanafis for The Sake of Da'wah

I am convinced that our elders of the Sub-continent for the past 200 years adhered to the Hanafī Madh-hab and generally avoided leaving its circle for the sake of Islam and inviting to Islam. The vast majority of Muslims in this region are Hanafīs. Innovations, fabrications, un-Islamic beliefs, and even actions which were openly idolatrous had been coming down for centuries. The local idolaters also tried to absorb this religion which came from Arabia by dyeing it with their pagan dye. In such a situation, had those Allāh-inspired servants who stood up to revive Islam and establish a bond between the creation and the Creator opposed the masses in their juristical creed, it would have been an easy excuse for evil 'ulamā' and ignorant Sufis to alienate the masses from the genuine 'ulamā' and genuine Sufis. Consequently, not even one percent of the immense religious and reformational services which were rendered would have been realized.

This seems to be the underlying reason why those elders considered it essential to remain adherent to the Hanafī Madh-hab although there were strong calls to the contrary. This was an outstanding inspiration from Allāh *ta`ālā*.

Scholars of all levels and ranks unanimously accept the leadership of Hadrāt Shāh Walī Allāh Dehlawī *rahimahullāh* as regards Islamic sciences and his reformational services in the Subcontinent. He himself says that his personal inclination was towards Ijtihād. He was also qualified for it. He was inclined towards the Shāfi'ī Madh-hab in his practical life. However, he gave preference to the Hanafī Madh-hab in the light of the above-mentioned religious and reformational wisdoms.

Hadrat Shāh Ismā'īl Shahīd *rahimahullāh* was one of the greatest proponents of Tauhīd and the Sunnah from the progeny of Shāh Walī Allāh *rahimahullāh*. Shāh Ismā'īl Shahīd invited towards Islam under the tutelage of the distinguished Sufi and Mujāhid, Sayyid Aḥmad Shahīd *rahimahullāh*. We can say with certainty that a large majority of those who are firm on Tauhīd and the Sunnah in this Subcontinent are indebted to the efforts of this lineage. Shāh Ismā'īl Shahīd *rahimahullāh* also realized the wisdom of these reformational and religious efforts and therefore followed the Hanafī Madh-hab.

Observe the following example of moderation on juristical issues and adopting the Hanafī Madh-hab for the sake of reformation of the masses:

Hadrat Maulānā Manzūr Nu'mānī *rahimahullāh* wrote *Ma'āriful Ḥadīth* for the sake of religious reformation and training. If any juristical issues were addressed, he did it with absolute moderation and explained the views of the Imāms with an open mind. When it was decided to have this book translated into Swahili, the translator said to him: "The majority of the people here [in Kenya] are Shāfi'īs. Is it okay if I add some footnotes especially in the chapter on ṣalāh, etc. out of consideration for them?" Hadrat Maulānā replied:

While explaining the different Aḥādīth, I was not partial on the basis of doctrinal fanaticism. Yes, what I did take into consideration is that the majority of those who understand Urdu in the Subcontinent are Hanafīs, and they must not be put through any restlessness with regard to their creed. I considered this to be a religious wisdom... Anyway, bearing in mind that the majority of those who speak Swahili are Shāfi'īs, you may

certainly add footnotes to the chapter on ṣalāh or wherever you feel the need in *Ma`āriful Ḥadīth*. I consider this to be a religious wisdom as well. If you feel it appropriate, you may make mention of it in the “translator’s note” or “introduction” at the beginning of the translation and also mention my heartfelt approval. My personal view is that the raising of hands in ṣalāh or not raising them, saying āmīn loudly or softly, etc. are certainly established in the Sunnah. However, in order to save the poor ignorant masses from confusion, I practise solely on the Hanaḥī Madh-hab. At the same time, I consider the practices of those who follow the other Madhāhib to be established in the Sunnah.<sup>1</sup>

This has been the approach of the Imāms in general. They consider every juristical school to be acceptable on issues on which there are juristical differences and rulings based on Ijtihād. The practice which was prevalent in a certain region or society continued to be practised upon. They consider it unwise and imprudent to act otherwise. We will, Allāh willing, present a few examples in this regard later on in this book.

#### **A Detailed Fatwā of Hadrat Thānwī**

We find the manifestation of this balanced way in the form of a detailed fatwā of Hadrat Thānwī *rahimahullāh*. The fatwā is quite lengthy, and based on Hadrat’s academic and logical style of writing, it is extremely concise. We will try to convey some parts of it in a simplified way for general understanding.

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<sup>1</sup>الفرقان، نعماني نمبر: ص ۵۱۰، ۵۱۱.

Although this fatwā is quite lengthy, I am quoting it here to demonstrate the most balanced view of Taqlīd of our scholars and to show how they are unduly maligned. Read it carefully.

Someone asked Hadrat Thānwī *rahimahullāh* the following question: A person does not make Taqlīd of a specific Imām. Instead, he considers all of them to be on the true path, and when acting on a ruling, he follows that Imām whose view conforms with Hadīth. Is such a person included among the Ahl as-Sunnah wa al-Jamā'ah? The person posed a few other related questions.

In replying to his question, Hadrat Thānwī *rahimahullāh* explained the history of the codification of Islamic jurisprudence and the formation of the four juristical schools as explained by Hadrat Shāh Walī Allāh Dehlawī *rahimahullāh* in Hujjatullāh al-Bālighah and other books. The crux of it is:

1. During the time of Rasūlullāh *sallallāhu `alayhi wa sallam*, when the people were faced with any issue and needed a ruling, it was essentially and generally given by Rasūlullāh *sallallāhu `alayhi wa sallam*. If anyone had any difficulty in understanding what he said, he would ask him directly. However, after his demise, there was a frequent need for Ijtihād and Qiyās. When conflicting narrations came to the fore and separate juristical creeds developed among the Sahābah *radīyallāhu `anhum*, the 'ulamā' of each region adopted the creed of the Sahābah and Imāms of their respective region. Especially the Hanafī and Mālikī schools developed in this manner.

Then came the era of Imām Shāfi'ī *rahimahullāh*. He acquired detailed knowledge of Ahādīth and narrations from the Muhaddithūn. He studied Iraqi (Hanafī) jurisprudence and

Madanī (Mālikī) jurisprudence from their respective Imāms. However, he differed with both schools on certain principles and subsidiary issues. He explained this in his lectures and written works. His students expanded on his school further and it became known as Shāfi'ī jurisprudence.

Imām Aḥmad ibn Ḥambal *rahimahullāh* is essentially a Muḥaddith who occupied himself with the sciences of narrations and narrators. However, like the jurists, he also extracted rulings and made Qiyās.

2. Ḥadrat Thānwī *rahimahullāh* writes further that although the four juristical schools and those dedicated to Ḥadīth had their own code of beliefs and their own circles, and in which there were considerable differences in inclinations and opinions, there was no confrontation or enmity among any of them. Thus, if the jurists belonging to the Madhāhib received from the Muḥaddithūn “a Ḥadīth which was against their Madh-hab, they would not follow their Madh-hab on that issue. In the same way, if the Ḥadīth scholars learnt that their opinion was different from that of the Ṣaḥābah and Tābi'īn, they would cast aside their own opinion. They used to follow each other and considered their work to be a service to the Dīn.”

“As time passed, each creed rendered excellent service to the systemization and codification of its branch and creed; and the jurists of the Madhāhib continued rejecting opinions which were weak or in conflict with explicit texts.”<sup>1</sup>

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<sup>1</sup> The words in inverted commas are exactly those of Ḥadrat Thānwī *rahimahullāh*.

3. However, academic and moral retrogression increased after the fourth century of the Hijrah. The jurists and Muḥaddithūn, both, suffered from superficiality and inflexibility. "Some jurists rejected authentic Aḥādīth through their juristic principles and standards. Some Ḥadīth scholars refuted a Mujtahid's proof on the slightest reasons of *irsāl*<sup>1</sup> and *inqitā*<sup>2</sup>, or on the slightest weakness in a narrator." Some judges were also unjust and unfaithful in their judgements. Sometimes they passed judgements in the light of a certain creed, and sometimes of another creed, and at other times in favour of a third creed. They did this solely for material gains. Fanaticism caused its own problems. The followers of the Imāms adopted a narrow-minded and rigid approach to the contentious issues regarding which there was absolute flexibility and latitude. They began considering their own creed to be certainly correct and that of others to be definitely false.

On observing this situation, the true 'ulamā' decreed that in order for a fatwā of a muftī and judgement of a judge to be correct, it is essential for it to conform with a ruling of a Mujtahid of the past. The Madhāhib of the four Imāms were well known at the time, so their Taqlīd increased and the senior Imāms and 'ulamā' of the time concurred on it.<sup>3</sup> This

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<sup>1</sup> This refers to a Mursal Ḥadīth, i.e. where a narrator is left out at the end of the chain of transmission.

<sup>2</sup> This refers to a Ḥadīth which is Munqaṭi', i.e. when the chain of transmission is not continuous; a narrator is not mentioned somewhere along the line.

<sup>3</sup> The author humbly says: This is a most convincing point for any level-headed person pondering and reflecting on this issue that after

was the reason for the general acceptance of the four Madhāhib.

4. As time progressed, the level of religiosity and piety decreased. Some 'ulamā' issued fatāwā according to a certain view on one occasion, and an opposing view on another occasion for personal motives. The masses too began moving around among the different Madhāhib for the fulfilment of their desires. In the light of this situation, the 'ulamā' considered it essential to confine a person to a single Madhāhib and to avoid moving from one to another without a Shar'ī reason.<sup>1</sup>

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the fourth century, all the genuine 'ulamā' unanimously concurred on accepting the four Madhāhib and serving them.

<sup>1</sup> We find this same point made by Ibn Taymīyyah *rahimahullāh*. He says while supporting and explaining a view of a jurist, Shaykh Najm ad-Dīn Hamdān:

If a person held on to a particular Madhāhib and then went against it, and his doing this was not for the sake of making Taqlīd of another scholar, nor did his Ijtihād demand him to do so, nor did he have any Shar'ī reason for doing it, then this is not permissible.

He then writes in support of Shaykh Najm ad-Dīn:

Imām Ahmad *rahimahullāh* and others clearly stated that it is not permissible for a person to first consider something to be unlawful and then to consider the same thing to be lawful solely to give vent to his desires or for personal gain...A person who follows his whims and fancies as regards the lawful and the unlawful is blameworthy and expelled from the court. (*Majmū' al-Fatāwā*, vol. 20, p. 221)

Ibn Taymīyyah says with regard to such people in yet another place:

5. Hadrat Thānwī *rahimahullāh* continues and says that some of the Hadīth scholars did not agree with this view,<sup>1</sup> but they did not criticize and curse anyone who did. Eventually, in the latter times:

An even more trying and difficult time was experienced when both groups became dogmatic. Some Muqallids believed their Imāms to be free from error, essentially correct and their obedience to be compulsory. They doggedly claimed that no matter how authentic a Hadīth is found against the opinion of their Imām and even if his proof is based on nothing but Qiyās, they will create many weaknesses in the Hadīth or provide far-fetched explanations for it, and reject it without leaving

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Such people merely to fulfil their own desires and to realize their own benefits will follow one Imām who considers the marriage to be invalid, and on another occasion, he will follow another Imām who considers it to be valid. The Muslim nation unanimously considers this to be unlawful. (*Majmū` al-Fatāwā*, vol. 32, p. 100)

<sup>1</sup> As Hadrat Thānwī *rahimahullāh* himself says, there was a handful of Hadīth scholars who did not agree. However, they were not the foremost senior scholars. If they are disregarded, we can say that all the senior and erudite Hadīth scholars of the past centuries – whom the Muslims refer to as Muḥaddithūn – with the exception of just four or five who opposed Taqlīd of the four Madhāhib and stopped the masses from doing so. After the proliferation of the four Madhāhib continuing to this day, all the Muḥaddithūn accepted and followed the four Madhāhib. However, there is in India and Pakistan a specific group which calls itself Ahl al-Hadīth which completely rejects Taqlīd of the four Madhāhib in a fanatical and extremist way – except those whom Allāh wills.

aside the opinion of their Imām. Taqlīd of this nature is unlawful and a manifestation of this verse:

إِتَّخَذُوا أَحْبَارَهُمْ وَرُهَبَانَهُمْ أَرْبَابًا مِّنْ دُونِ اللَّهِ

*The People of the Book considered their scholars and monks to be lords apart from Allāh.*

On the other side, some Ahl al-Hadīth considered Qiyās and Taqlīd to be unilaterally unlawful, the statements of the Sahābah and Tābi`ūn to be unreliable, the Mujtahid Imāms to be certainly deviated, and all Muqallids to be polytheists and innovators. They began criticizing the past scholars, cursing the present ones, and labelling all of them as ignoramuses, deviates and flagrant sinners.

I [the author] humbly say that the two extremist groups which Hadrat Thānwī *rahīmahullāh* refers to were rare. Neither was there a noteworthy number of people among the Muḥaddithūn nor a majority of such people among the Muqallids.

6. Hadrat Thānwī *rahīmahullāh* continues: In-between these two extremist groups was a group of balanced and moderate `ulamā`, jurists and Muḥaddithūn. And there still are such people. Their view is that when it comes to differences based on Ijtihād, neither can a view of a Mujtahid be considered to be 100% correct nor can we say with certainty that it is 100% wrong. Similarly, these people did not believe that something becomes lawful or unlawful merely by an Imām saying so. Rather, the lawful and unlawful is only what

is labelled as such by Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam*. However, the masses and those `ulamā' who were not qualified to make Ijtihād and pass decisions on contentious issues followed a Mujtahid who himself was guided and followed the true path. But they never ever considered him to be a promulgator of the Sharī`ah and that he has to be followed in his being. Instead, they merely considered him to be one who understands the injunctions of Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam* and is conveying the same to them. This is similar to a narrator relating the words of Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam* in most cases, in his own words, in the form of Aḥādīth. We neither consider the narrator to be Allāh *ta`ālā* nor Rasūlullāh *ṣallallāhu `alayhi wa sallam* – he is merely an intermediary. In the same way, this scholar or Mujtahid, has understood the Sharī`ah of Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam* correctly and conveys it to us. We do not consider him to be a promulgator of laws. We believe him to be solely and exclusively a conveyor of the laws of Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa sallam*. This is why the people make a firm intention in their hearts that if they learn that the Imām's view on a certain issue is weak and contradicts the original ruling of the Qur`ān and Hādīth, they will cast aside the Imām's view immediately.

Hadrat Thānwī *rahimahullāh* says that this practice has been coming down through the generations and people have been practising on it. He says: "In every era the `ulamā' labelled a certain opinion as weak, chose the view of someone else, left out the view of another and adopted the view of someone else. This middle form of Taqlīd was chosen by thousands of

‘ulamā’, Sufis and spiritual masters. It is an absolute waste of time to try and refute this.”<sup>1</sup>

### **It is Permissible to Extract Rulings From The Qur’ān and Sunnah and Follow The Sahābah Without Making Taqlīd of a Specific Madh-hab**

In his above-quoted fatwā, Haḍrat Thānwī *rahīmahullāh* clearly stated that it was during the era of the pious predecessors that some Imāms did not extract rulings in the manner which was common among the jurists. Instead, they preferred following the words of the Aḥādīth and the direct verdicts of the Sahābah *radīyallāhu ‘anhum* and Tābi‘ūn. The ‘ulamā’ are aware of the fact that Haḍrat Shāh Walī Allāh *rahīmahullāh* also considered both methods to be reliable in his *Hujjatullāh al-Bālighah* and other writings.

The ‘ulamā’ who inherited the knowledge and call of Haḍrat Shāh Wālī Allāh *rahīmahullāh* are also of the same view. Haḍrat Thānwī’s biographer and spiritual representative, Haḍrat Khwājah ‘Azīz al-Hasan Majdhūb *rahīmahullāh*, writes:

Even if a seeker (one seeking rectification and reformation) is of the Ahl al-Hadīth but does not consider the above-mentioned Taqlīd (i.e. Taqlīd of the Madhāhib pure from extremism) to be unlawful, and does not speak ill of and does not harbour bad thoughts about the jurists and Imāms, then Haḍrat Wālā does not refuse to train and instruct him. In fact, he does not even refuse to induct him into the spiritual family. There are

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<sup>1</sup> This entire section is from *Imdād al-Fatāwā*, vol. 5, pp. 294-300. The sections in inverted commas are the exact words of Haḍrat Thānwī *rahīmahullāh*, the remaining words are explanations of what he said.

several Ahl al-Hadīth brothers who presently have both types of relationships with him. Although some of them gave up their former creed after establishing a bond with Hadrat Wālā and chose to lead their lives within Taqlīd, Hadrat Wālā never indicated to them – neither by reference nor indication – nor advised them to give up their creed. In fact, one such Ahl al-Hadīth brother who had come to the Khānqāh did not say the Āmīn loudly in one of the ṣalāhs<sup>1</sup> which are performed loudly. Hadrat Wālā thought that he probably abstained from saying it loudly out of consideration to where he was. Hadrat Wālā therefore said to the person with whom this brother had come: “He did not say Āmīn loudly out of consideration for us. Go and put his mind at rest that there is no one here who would stop him or reprimand him. He can continue on his creed with full freedom. He must never feel restricted.”

...Hadrat Wālā is never narrow-minded on such issues. In fact, he constantly says: “If a Ahl al-Hadīth brother does not consider Taqlīd to be unlawful, does not speak ill of the elders and does not harbour evil thoughts about them, well and good. This has been the creed of some of the past scholars. So I too am not restrictive in this regard.”<sup>2</sup>

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<sup>1</sup> This refers to saying Āmīn loudly when the Imām of ṣalāh completes the recitation of Sūrah al-Fātiḥah.

<sup>2</sup> *Ashraf as-Sawāniḥ*, vol. 1, pp. 616-617.

It should be borne in mind that *Ashraf as-Sawānih* was written while Ḥaḍrat Thānwī *rahimahullāh* was alive and he personally heard each word read to him. Only then did he permit its publication.

### **The Reason for Differences and Discord**

How unfortunate! People refuse to accept this accommodating and balanced approach. If only religious brotherhood and well-wishing remained within our ranks despite juristical and doctrinal differences. If only a bond of respect and love existed.

The fundamental issue is only this. But then, these differences no longer remained confined to juristical differences. Instead, the winds of extremism dried up the moistness of the hearts and the lushness of relationships. Had it been just juristical differences, then we can say that such differences always existed between the Ḥanafīs and Shāfi'īs and continue to this day. But you do not come across fights, arguments, debates, and the free labelling of each other as deviates, polytheists and innovators. The level of sincerity, love and Islamic brotherhood which exists among the followers of the four Madhāhib is a proof that the sedition which we see today is not based on mere juristical differences. Rather, it is due to fanaticism and extremism.

### **Fanaticism-The Cause of Sedition**

The fanaticism is that Taqlīd is labelled polytheism, and the verses of the Qur'ān which refer to those rejecters of the Qur'ān in favour of following their forefathers are unashamedly and without any fear of Allāh *ta'ālā* being applied to those who make Taqlīd. Those who unjustly do this do not think for a moment that the “perpetrators” of this Taqlīd have always been and still are the unanimously

accepted 'ulamā' and leaders of Islam of the entire Muslim nation and the Ahl as-Sunnah. And that their fanaticism is labelling them all as unbelievers.

The cause of this tribulation is their [Salafī] fanaticism with regard to those subsidiary contentious issues which have always been subjects of contention (e.g. reciting Sūrah al-Fāṭihah behind the Imām) among the Imāms, causing them to go around the streets distributing fatwās that the ṣalāh of the Hanafīs is not valid.

The cause of these differences and discord is the satanic approach of going to the masses and asking them: "If you believe in Allāh and Rasūlullāh *ṣallallāhu 'alayhi wa sallam*, why are you a Hanafī? Why do you follow Hanafī jurisprudence instead of the Qur'ān and Ḥadīth?" As though we follow Imām Abū Hanīfah *rahimahullāh* as a Prophet and not as an Imām! O Allāh! Guide us to the straight path.

The differences between the Hanafī 'ulamā' and Ahl al-Ḥadīth in the Subcontinent are no longer juristical differences only. Rather, this has taken the form of a tribulation and a sedition. Severity and ruthlessness on one side has caused a similar response on the other side. This results in a flood of mischief. However, one thing is certain. The actual ones responsible for all this sedition will always be those who initiate the whole story and continue interfering and meddling on these issues. It is most unfortunate that not a single scholar from the Ahl al-Ḥadīth is coming forward to reject and refute this extremism and fanaticism. The extent to which this extremism and fanaticism is spreading was touched upon briefly in our introduction.

If only we could understand how the tribulations which discussions on Taqlīd and absence of it are spreading in the Muslim nation. This despicable partisanship is most harmful and detrimental to Islam and Muslims. Countless people are becoming targets of mental confusion as a result of these discussions. The worst is that these debates are causing hardness and darkness of the hearts which are most harmful and destructive to the emotions of īmān. May Allāh *ta`ālā* guide us all.

## CHAPTER THREE

### A FEW OBJECTION AGAINST TAQLID

If the reality of Taqlīd and its different levels for different types of people as explained in detail in this book are borne in mind, then the objections and doubts which are experienced with regard to Taqlīd automatically come to an end.

The most satisfying – in fact, the most absolute and certain – proof for the authenticity of Taqlīd is that it has been practised by the Muslim nation throughout history. Starting from the eras of the *Ṣaḥābah raḍiyallāhu ‘anhum* and *Tābi‘ūn* and continuing to this day, all the ‘ulamā’ and jurists of the Muslim nation accept and acknowledge the need for Taqlīd for the masses. So much so that – as we proved in detail – after the codification and popularization of the four *Madhāhib*, i.e. for about the past 1 000 years, all the *Muḥaddithūn* aligned themselves to a *Madh-hab* for the sake of Taqlīd. Apart from them, even Shaykh al-Islam Ibn Taymīyyah *rahimahullāh*, his students, and the main proponent of his creed, Ibn al-Qayyim *rahimahullāh*, were all *Hambalīs* and themselves were of the view that Taqlīd was permissible.<sup>1</sup> In addition to them, Shaykh *Muḥammad ibn ‘Abd al-Wahhāb* and the ‘ulamā’ of his lineage who hold a distinguished position among the present day *Salafīs* were also *Hambalīs*, and clearly stated that Taqlīd and following the four *Madhāhib* is permissible.

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<sup>1</sup> It is most untrue and a cause of much error that Ibn al-Qayyim considered Taqlīd to be unlawful. We proved that he also considered Taqlīd permissible, in fact, essential, for the masses.

One of the distinguishing features of Muḥammad *ṣallallāhu `alayhi wa ṣallam* is that his Dīn will remain protected, and the `ulamā' of his Dīn can never concur on misguidance and error. If Allāh *ta`ālā* has blessed a person with sound intellect and he has also received a share of academic inclination according to the Ahl as-Sunnah, then this single fact that throughout Islamic history there is not a single scholar and Imām – who enjoyed general acceptance – who unilaterally considered Taqlīd to be wrong and invited the masses towards discarding Taqlīd. This one single point ought to be enough for us to convince us about the legality of Taqlīd.

However, we consider it beneficial to clarify certain objections made against Taqlīd. This is done with an ordinary educated person in mind.

### **1. Should the Imāms be followed or the Qur'ān and Ḥadīth?**

The masses are erroneously told that we have brought imān in Allāh *ta`ālā* and Rasūlullāh *ṣallallāhu `alayhi wa ṣallam*, only the Qur'ān and Ḥadīth are proofs for a Muslim. He must follow none apart from them. When Aḥādīth are present, why do you follow the Imāms and their jurisprudence? Why do you not directly accept what the Qur'ān and Ḥadīth say?

This objection is nothing but a distorted view. When it comes to Taqlīd, even an ordinary person does not think that Taqlīd means that you must cast aside following the Qur'ān and Ḥadīth and follow the Imāms and Madhāhib instead. Taqlīd is not made in those injunctions of the Qur'ān and Sunnah which are so clear and explicit as to not allow any reliable difference in them. Every person follows the Qur'ān and Sunnah directly. We explained in detail at the beginning of this book that the fundamental, central and most important parts of Dīn are of this nature.

However, when it comes to subsidiary issues, it has often happened that the words of the Qur'ān and Ḥadīth could have several meanings. Furthermore, there are many differences among Ahādīth. The Ṣahābah *radīyallāhu 'anhum* and Imāms studied and investigated them deeply. The Ahādīth and statements of the Ṣahābah *radīyallāhu 'anhum* were collated but they could not come to a single conclusion. Centuries passed, the 'ulamā' continued their investigations and researches, and academic discussions continued. They were all true people of Allāh *ta'ālā* with sincerity of the highest level. However, to this day, the 'ulamā' could not concur on one single opinion. Differences on juristical issues exist to this day and will do so until the day of Resurrection.

There is no other way for a person lacking knowledge to practise on this part of the Sharī'ah (in which the 'ulamā' differ) apart from following the view of a reliable Imām and creed. After all, he does not have so much of knowledge with which he could understand the entire treasure of knowledge.

Therefore, when he follows a Madh-hab or an Imām, his intention is that of practising on the Qur'ān and Sunnah. When he does this, he believes his Imām and the 'ulamā' of his Madh-hab to be mere expounders of the injunctions of the Sharī'ah and intermediaries to its understanding. They are intermediaries in exactly the same way as narrators of Ḥadīth are when they convey the injunctions of Rasūlullāh *sallallāhu 'alayhi wa sallam* to us. We do not hear the injunctions of Allāh *ta'ālā* and Rasūlullāh *sallallāhu 'alayhi wa sallam* directly. The narrator of a Ḥadīth and the compiler of a Ḥadīth book, such as Imām Bukhārī, Imām Muslim and others, inform us that this is what Rasūlullāh *sallallāhu 'alayhi wa sallam* said. In the same way, the jurists and Imāms study the Qur'ān and

Sunnah and inform us that these are the rules and injunctions of the Sharī`ah. In both cases, we learn the injunctions of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* through them.

Place your hand on your heart for a moment and think: When it comes to the issues regarding which there are differences in the Aḥādīth, what path is there for an ordinary person to follow the Sharī`ah apart from making Taqlīd of a scholar? Is there any way for him apart from relying on some `ulamā` and obeying the injunctions of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* in the manner taught by them [the `ulamā`]? If a Hadīth of Bukhārī, Muslim or Tirmidhī which is opposed to his creed is placed before an ordinary Hanafī, Shāfi`ī or Ahl al-Hadīth, the only thing he will be able to say is this: I fully accept that this is a Hadīth of Rasūlullāh *sallallāhu `alayhi wa sallam*, but I do not know whether it is abrogated or not? There may be another more preferable Hadīth in whose light the `ulamā` take another meaning. The `ulamā` whom I rely on and the juristical school which I follow say that the more authentic view is something else, and they have stronger proofs from the Qur`ān and Hadīth. I do not have so much of knowledge, but I do know that I only make Taqlīd in matters regarding which there have been differences among the `ulamā` and Imāms since the very beginning. The `ulamā` of the Hanafī, Shāfi`ī or Ahl al-Hadīth schools are not so ignorant and – Allāh forbid – not so fearless of Allāh *ta`ālā* that they would issue a verdict which is glaringly and definitely against the Qur`ān and Sunnah.

What else can people of every creed who do not possess sufficient knowledge to study and research the proofs do?

Therefore, this question is in itself out of place: Do you follow Allāh and Rasūlullāh *sallallāhu `alayhi wa sallam* or the Imām

and the Madh-hab? A Muslim who is a Muqallid of a juristical school is most certainly carrying out the orders of Allāh *ta'ālā* and Rasūlullāh *sallallāhu 'alayhi wa sallam*. Where a clear and explicit ruling cannot be obtained from the Qur'ān and Hadīth, instead several meanings are possible or there are differences in the narrations (the large number of differences and contradictions in the narrations are known to the 'ulamā'), then in such a case the person places his trust on an Imām and Mujtahid, and asks him for the ruling of Allāh *ta'ālā* and Rasūlullāh *sallallāhu 'alayhi wa sallam*. He then follows what that Imām says to him because he believes it to be the injunction of Allāh *ta'ālā* and Rasūlullāh *sallallāhu 'alayhi wa sallam*. This has always been the practice from the time of the Sahābah *radīyallāhu 'anhum* coming down to our times.

## 2. Incorrect and Misplaced Use of Qur'ānic Verses

In their fervour and zeal, the objectors of Taqlīd present those verses of the Qur'ān which refer to the opponents of Islam and rejecters of the prophet-hood of Rasūlullāh *sallallāhu 'alayhi wa sallam* to prove the impermissibility of Taqlīd. When they are asked to follow the orders of Allāh *ta'ālā*, they reject the Qur'ān and Rasūlullāh *sallallāhu 'alayhi wa sallam* and say: "We will continue following the ways of our forefathers."

وَإِذَا رَجِئِلٌ مِّمُّ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا وَجَدْنَا عَلَيْهِ آبَاءَنَا

When it is said to them: "Follow what Allāh revealed", they say: "No, we would rather follow the path on which we found our forefathers."

The ungodly response of the unbelievers which the Qur'ān makes reference to in this verse is that they openly and clearly reject the order of Allāh *ta'ālā* while remaining headstrong and stubborn on the ways of their forefathers.

Can a Muqallid reject an order of Allāh *ta`ālā*? Never. Never ever. What he does say is that the order of the Qur`ān and Hadīth on this particular issue is not so clear and absolute to the extent that there can be no room for any other opinion. The trustworthy `ulamā` and Imāms of the Muslim nation differ on this issue. I consider them [`ulamā` and Imāms] to be expounders of the Qur`ān and Hadīth and that I can only obey Allāh *ta`ālā* in the manner shown to me by them. I consider the order of Allāh *ta`ālā* to be as taught to me by Abū Hanīfah, Shāfi`ī and other Imāms, and not what you or other half-baked scholars like myself have to say.

It is a serious transgression, and a dangerous extremism and fanaticism to apply this verse to the above-mentioned Muqallid.

The following verse is also presented with a view to labelling Taqlīd unlawful, in fact, an act of polytheism:

إِنْتَحِدُوا أَحْبَارَهُمْ وَرُهْبَانَهُمْ أَرْبَابًا مِّنْ دُونِ اللَّهِ

*The People of the Book considered their scholars and monks to be lords apart from Allāh.*

In order to prove their point, a Hadīth of *Sunan Tirmidhī* is incorrectly explained. In the light of the above verse, Rasūlullāh sallallāhu `alayhi wa sallam was asked: “The Christians do not worship their scholars, so what is the meaning of this verse?” Rasūlullāh sallallāhu `alayhi wa sallam replied: “When their scholars labelled something to be unlawful, they accepted their ruling. When they labelled something as lawful, they accepted their ruling. This is the meaning of their worshipping of their scholars.” Taqlīd is now applied to this verse and they [the rejecters of Taqlīd] say:

“The Muqallids have also made their Imāms lords apart from Allāh. When the Imāms say that something is lawful, the Muqallids accept it. When they say that a certain thing is unlawful, the Muqallids accept it.”

Before responding to the above claim, we have a question: What this means is that a person making Taqlīd is a polytheist just like the Christians! Thus, marriage with a Muqallid is not permissible and eating an animal slaughtered by him is also not permissible! Are they [rejecters of Taqlīd] prepared to say this? We request them – for Allāh’s sake – to say something that is balanced and upright.

As for the above-quoted verse and the Ḥadīth related to it, they have nothing to do with Taqlīd. While explaining this verse, Rasūlullāh *sallallāhu `alayhi wa sallam* said something in so clear terms which leaves no room for doubt whatsoever. He clearly stated that the polytheistic practice of the Christians is not that their masses accepted and followed the verdicts of their scholars. Rather, their polytheism entailed giving unfettered authority to their popes and cardinals as promulgators of their laws, and unilateral power to label something as lawful or unlawful in the sense that if something is unlawful according to Allāh *ta`ālā*, but the scholars legalize it, then the masses consider it to be lawful. If something is lawful according to Allāh *ta`ālā*, but the scholars consider it unlawful, then the masses follow the verdict of the scholars as regards its impermissibility. The Ḥadīth makes this point very clear. When `Adī ibn Ḥātim *radīyallāhu `anhu* said to him: “But the Christians do not worship their scholars?” Rasūlullāh *sallallāhu `alayhi wa sallam* replied:

اجل، ولكن يجعلون لهم ما حرم الله فيستحلونه ويحرمون عليهم ما أحل الله، فيحرمونه فتلك عبادتهم لهم.<sup>1</sup>

*Indeed! However, they legalize for them what Allāh made unlawful. So the masses consider it lawful. And they make unlawful for them what Allāh made lawful. So the masses consider it unlawful. This is how they worshipped their scholars.*

Now place your hand over your heart and think for a moment: Did the vast majority of the Muslim nation for the past centuries ever commit Taqlīd of this nature where it gave the Imāms the right to legalize or prohibit – according to their whims and fancies – anything which Allāh *ta'ālā* forbade or permitted?

In order to understand this further, we ought to know that Christianity did not only give its popes the right to legalize and prohibit, but also gave them absolute authority to change, alter and abrogate its belief system and fundamentals of its religion. While listing the powers of the pope, the *Encyclopaedia Britannica* states:

Doctrinally, in Catholic churches, the pope is regarded as the successor of St. Peter, who was head of the Apostles. The pope, as bishop of Rome, is thus seen to have full and supreme power of jurisdiction over the universal church in matters of faith and morals, as well as in church discipline and government.<sup>2</sup>

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<sup>1</sup>السنن الكبرى للبيهقي، طبع دار المعارف حيدآباد.

<sup>2</sup> *Encyclopaedia Britannica* (under article “pope”).

The same encyclopaedia explains the infallibility of the pope as follows:

In Roman Catholic theology, the doctrine that the pope, acting as supreme teacher and under certain conditions, cannot err when he teaches in matters of faith or morals.<sup>1</sup>

Just ponder, do the powers which have been vested to the popes have any likeness to the Taqlīd of the Imāms and Mujtahids?

As per the above text from *Encyclopaedia Britannica*:

1. Like the injunctions of the Book and the Messenger, Christians consider the pope to be an independent proof. In fact, he has the power to make whatever changes he deems fit. Whereas the absence of Shar'ī legality of the opinion of a Mujtahid is included in the very definition of Taqlīd.
2. The pope also has absolute authority to issue such verdicts when it comes to matters related to beliefs. We explained previously that those who make Taqlīd of the Imāms and Mujtahids do not believe in their Taqlīd in matters related to beliefs and the fundamental and absolute injunctions of Islam. They believe in Taqlīd only on those rulings of the Qur'ān and Hadīth in which there is no absolute clarity.
3. The Christian religion gives the pope the authority of a promulgator of laws, whereas no Muqallid considers

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<sup>1</sup> *Encyclopaedia Britannica* (under article “papal infallibility”).

the Imāms and Mujtahids as promulgators of laws. Rather, they are only expounders of the laws.

4. Christianity considers the pope to be free from error (i.e. he can never commit a mistake). Whereas all Muqallids believe that their Imāms and Mujtahids can err in their Ijtihād.
5. The pope enjoys absolute legal power over all his followers. No single follower is permitted to deviate from any of his orders. On the other hand, Muqallids have a right to cast aside the opinions of their Imāms in certain situations. This was explained in detail in a previous section titled, Different levels of Taqlīd.

Bearing in mind such major differences, how can the Hadīth of `Adī ibn Hātim *raḍiyallāhu `anhu* be applied to the Muqallids of the Imāms?

Yes, if a person reaches such a level of dogmatic and rigid Taqlīd as reached by the Christians, and has the same beliefs about the Imāms and Mujtahids as those of the Christians, then he will certainly be included in the warning in the above-quoted Hadīth,<sup>1</sup> and this belief of his will be polytheistic.

### **3. Did The Imāms Prohibit From Their Own Taqlīd?**

Some of those who consider Taqlīd to be unlawful claim that the Imāms themselves prohibited from their own Taqlīd. There are statements of Imām Abū Hanīfah *rahīmahullāh*, Imām Shāfi`ī *rahīmahullāh* and other Imāms wherein they prohibited people from making their Taqlīd and instructed them to obtain a ruling directly from the Qur`ān and Sunnah.

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<sup>1</sup> Quoted from *Taqlīd kī Shar`ī Haythīyyat*, pp. 124-126 of Hadrat Maulānā Muḥammad Taqī `Uthmānī Sāhib.

We ask the reader to think over two points:

1. A person having some knowledge of Islam knows that there are many conflicting and contradictory narrations. A point was made in several Aḥādīth while other Aḥādīth demonstrate that it was not an injunction of the Sharī'ah for every person and every situation. Rather, it was applicable to a specific situation.

In such a situation, how can an ordinary person know the injunction of the Sharī'ah? He does not have the ability to understand the proofs of the various Madhāhib and then come to a decision. He has no alternative but to make Taqlīd of a scholar who came to a decision after lengthy and deep study and research.

2. Without any exaggeration, there are thousands of incidents from the lives of the Sahābah radiyallāhu `anhum, Tābi`ūn and Imāms in which they gave a ruling of the Sharī'ah according to their opinion but without mentioning a proof. If you think about this point, then what it means is that the addressee must practise on his verdict without knowledge of the proof. And this is what Taqlīd is. How, then, is it possible for these Imāms to show the way of Taqlīd and then to prohibit the masses from Taqlīd!?

After pondering over these two points, it becomes clear that when the Imāms prohibited Taqlīd and emphasised on extracting the ruling directly from the Qur`ān and Sunnah, then their addressees were not the laymen and ordinary students. Rather, they were special students who had already reached the level of Ijtihād.

Ḥaḍrat Shāh Walī Allāh rahimahullāh quoted the statements of some `ulamā' who prohibited Taqlīd, and then added:

انما يتم فيمن له ضرب من الاجتهاد ولو في مسألة واحدة، وفيمن ظهر عليه ظهوراً بيناً أن النبي صلى الله عليه وسلم أمر بكذا ونهى عن كذا، وأنه ليس بمنسوخ إما بأن يتتبع الأحاديث وأقوال المخالف والموافق في المسئلة، أو بأن يرى جما غفيرا من المتبحرين في العلم يذهبون إليه ويرى المخالف له لا يحتج إلا بقياس أو استنباط أو نحو ذلك، فحينئذ لا سبب لمخالفة حديث النبي صلى الله عليه وسلم إلا نفاق خفي أو حمق جلي.<sup>1</sup>

*These statements of the Imāms (in which they prohibited Taqlīd) apply to the person who: (1) Has the qualification for Ijtihād even if only in a single issue, (2) it has become clear to him that Rasūlullāh sallallāhu `alayhi wa sallam instructed the doing of a certain act or prohibited it, and he also established the fact that this Hadīth of Rasūlullāh sallallāhu `alayhi wa sallam is neither abrogated (nor does it have any other meaning). There are two ways of establishing this: He has established the point after investigating both opinions thoroughly (and this can only be done by an erudite and distinguished scholar), or he did not establish it himself but saw a large group of erudite scholars inclining to this view while (the one whose Taqlīd he is making) has merely proven his point through Qiyās or extraction. If, after this, a person still does not practise on this Hadīth, it will be nothing but concealed hypocrisy or obvious foolishness on his part.*

### **An Assessment of The Proofs of Shaykh Albānī**

The well-known Ghayr Muqallid Hadīth scholar, Shaykh Nāsir ad-Dīn Albānī is notorious for his extremism in this regard. At the beginning of his book, *Sifah Salāt an-Nabī*, he

<sup>1</sup>حجة الله البالغة، باب حكاية الناس قبل المائة الرابعة.

quotes a few statements of the Imāms based on which he feels that they prohibited Taqlīd. When I studied those statements, I found the majority to be on the subject of the obligation of following the Sunnah and prohibition from acting against it. It is a clear act of confusion to quote such statements to show that they were against Taqlīd. A Muqallid makes Taqlīd to follow the Sunnah and not to act against the Sunnah. A person cannot come to his own decision on the issues regarding which the scholars differ, so his following of the Sunnah entails adopting that meaning of the Hadīth as understood by that Imām whom he is following. The Ahl al-Hadīth masses do the same thing, and so do those who follow the Madhāhib. Anyway, the statements quoted by Shaykh Albānī are by and large on the prohibition of acting against the Sunnah. Can any believer disagree with him on the prohibition of acting against the Sunnah? But there are just two or three statements wherein a person is prohibited from Taqlīd. However, if the entire discussion is understood clearly, then the same point becomes clear there as well, viz. the addressees of the Imāms were those 'ulamā' who had deep insight into the sciences of the Sharī'ah. It is absolutely senseless to apply those statements to the Taqlīd of the masses.

For example, Shaykh Albānī quoted the following statements:

1. Imām Abū Hanīfah *rahīmahullāh* said: "A person should not adopt my view until he knows what the Sharī proof for it is."

Ponder over the underlined words. Is it possible for an ordinary layman to know the detailed proofs, understand them and to have knowledge of the reasons for the preference of the opinion of Imām Abū Hanīfah *rahīmahullāh* on issues regarding which there are differences since the era of the

Sahābah radiyallāhu `anhum, coming down to the Imāms and Mujtahids and then to the `ulamā' of present times?

Yes, it is possible to say to a widely read, erudite and distinguished scholar who possesses the ability of Ijtihād: “You must only follow my view after knowing its proof.” Imām Abū Hanīfah rahimahullāh was addressing scholars of this calibre.

2. Shaykh Albānī also quoted the following statement of Imām Aḥmad ibn Hambal rahimahullāh: “You should neither make my Taqlīd nor of Mālik, Shāfi'ī, Auzā'ī and Thaurī. Instead, you must extract rulings from where they extracted.”

Think about it: “extract rulings from where they extracted”. Is this the job of laymen and people lacking in knowledge or the job of those who have the ability to make Ijtihād?

3. He quoted the following statement of Imām Shāfi'ī rahimahullāh: “If you come across an authentic Ḥadīth which contradicts my view, you must practise on the Ḥadīth and do not make my Taqlīd.”

In principle, no true believer can argue with this statement. The detailed explanation which we gave on the issue of Taqlīd clearly demonstrates that all erudite `ulamā' have been saying the same thing and practising on it. However, if their Madh-hab is based on a verse of the Qur'ān or they have a Ḥadīth which supports their view and is preferred to the Ḥadīth which contradicts theirs, then they remain on their Madh-hab, and try to explain the other Ḥadīth in a manner which is in accordance with other Aḥādīth and Qur'ānic verses. However, they give full permission to those who hold a view which is different from theirs on the basis of the conflicting Ḥadīth to

practise on that conflicting Hadīth, and believe them to be on the path of guidance as well.

Be that as it may, the Imāms never prohibited the masses and those lacking in knowledge from Taqlīd. Applying these statements to the masses is nothing but misunderstanding. We see regions upon regions making Taqlīd of the various Imāms during the very eras of those Imāms. The Madh-hab of Auzā'ī was popular in Syria and the whole of North Africa was following Imām Mālik *rahimahullāh*. These Imāms were making mention of all this without stopping anyone. We provided examples of this previously.

It is absolutely incorrect, in fact, untrue, to take this meaning from the above statements of the Imāms and to claim that they prohibited the masses from their Taqlīd.

As regards juristical differences, we will explain in the forthcoming chapter that the differences among the Madhāhib were by and large caused by differences in understanding. The Imāms were neither ignorant people nor did they act against Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*. By pondering over this much, it can be understood that the fundamental issue is that they all reflected over the proofs, and each one saw the order of Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* differently. No matter which of them we follow, Allāh willing, Allāh will be pleased with us.

## CHAPTER FOUR

### THE HANAFIS AND THEIR PRACTICE ON HADITH<sup>1</sup>

One objection is levelled specifically against the Hanafis, viz. the Ahādīth which they use as proofs are by and large weak. However, this objection is essentially a product of fanaticism. An answer to this objection is that if the Hanafī books are studied with an open mind, the reality will dawn on the person. A study of the following books will prove very useful in this regard:

1. *Sharḥ Ma`ānī al-Āthār* of Tahāwī *rahimahullāh*.
2. *Fath al-Qadīr* of Ibn al-Humām *rahimahullāh*.
3. *Nasb ar-Rāyah* of Zayla`ī *rahimahullāh*.
4. *al-Jauhar an-Naqī* of al-Māridīnī *rahimahullāh*.
5. *Umdah al-Qārī* of `Aynī *rahimahullāh*.
6. *Fath al-Mulhim* of Maulānā `Uthmānī *rahimahullāh*.
7. *Badhl al-Majhūd* of Maulānā Sahāranpūrī *rahimahullāh*.
8. *I'lā' as-Sunan* of Maulānā Zafar Ahmad `Uthmānī *rahimahullāh*.
9. *Ma`ārif as-Sunan* of Maulānā Binnaurī *rahimahullāh*.
10. *Fayḍ al-Bārī Sharḥ Saḥīḥ al-Bukhārī*.

These books explain detailed proofs of the Hanafī school from the Qur`ān and Sunnah. However, I consider it appropriate to make reference to a few fundamental points for the benefit of the masses.

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<sup>1</sup> A considerable portion of this chapter is quoted from *Taqīd kī Shar`ī Haythīyyat* of Hadrat Maulānā Muhammad Taqī `Uthmānī Sāhib with a few additions and subtractions.

1. Authentic Aḥādīth are not restricted to Saḥīḥ Bukhārī and Saḥīḥ Muslim. Rather, the basis for the authenticity of a Hadīth is to see whether its transmission fulfils the conditions of the principles of Hadīth or not. Consequently, thousands of Imāms of Hadīth – apart from Imām Bukhārī *rahīmahullāh* and Imām Muslim *rahīmahullāh* – have compiled Hadīth collections. Any Hadīth which falls within the conditions of authenticity will be acceptable. Aḥādīth from other collections can be on the same level as those of *Bukhārī* and *Muslim*. In fact, it is also possible for certain Aḥādīth of other collections to be of a higher level than those of *Bukhārī* and *Muslim*. For example, the collection of Ibn Mājah *rahīmahullāh* is the sixth of the Sihāh Sittah.<sup>1</sup> Despite this, it contains certain Aḥādīth whose chains of transmission are of a higher level than those of *Bukhārī* and *Muslim*. (Refer to *Mā Tamussu Ilayhi al-Ḥājah* for details)

Therefore, it is most incorrect to label a Hadīth as weak merely because it is not found in *Bukhārī* and *Muslim* or in the Sihāh Sittah. Instead, what ought to be seen is its level according to the principles of Hadīth. If this point is borne in mind, many of the objections which are levelled against the Hanafīs by those who merely look at matters superficially will automatically be removed.

2. The second point which must be realized is that the fundamental reason behind the differences which exist among the Imāms and Mujtahids on thousands of juristical issues is the fact that the approach of each Mujtahid and his method of extracting a ruling are different. For example, the approach of some Mujtahids is that if there are apparent conflicts between

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<sup>1</sup> This refers to the six most authentic collections of Hadīth.

Aḥādīth on a particular issue, they would take the Ḥadīth whose chain of transmission is most authentic, notwithstanding the fact that the chains of the other Aḥādīth may also be sound. On the other hand, some scholars would explain the different narrations in a manner which would make them all concur with each other, and the contradiction is removed. They will do this even if it means considering a less authentic or sound Ḥadīth to be the basis, and giving an explanation which is not obvious for the Ḥadīth which is more authentic. The approach of other Mujtahids is to select a Ḥadīth which was practised by the Sahābah *radīyallāhu `anhum* and the Tābi`ūn, while providing some sort of explanation for not adopting the other Aḥādīth.

In short, each Mujtahid has a different approach and not one of them can be accused of discarding an authentic Ḥadīth. Generally, Imām Abū Ḥanīfah *rahīmahullāh* tries to reconcile conflicting Aḥādīth and, as far as possible, tries to act on every Ḥadīth even though it may be un-preferred as regards its chain of transmission. In fact, if there is no opposing Ḥadīth to a weak Ḥadīth, he practises on it as well even if it may be against Qiyās. For example, he abandoned Qiyās in favour of weak Aḥādīth for the breaking of ablution due to laughing aloud, the obligation of zakāh on honey and several other rulings.

Let us make this point clearer through an example. The raising of hands and not raising them<sup>1</sup> are both established. However, as regards the chains of transmission, some Aḥādīth on the raising of hands are better than those on not raising the hands. However, Imām Abū Ḥanīfah *rahīmahullāh*, Sufyān Thaurī

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<sup>1</sup> This refers to raising the hands in different postures of ṣalāh.

*rahimahullāh*, Imām Mālik *rahimahullāh* and others are of the view that the act of raising the hands in ṣalāh is visible to all. The raising of hands is mentioned in only a few Aḥādīth. Most of the narrations which contain details about the description of the ṣalāh of Rasūlullāh *ṣallallāhu `alayhi wa sallam* do not make mention of raising the hands. This shows that he did not raise his hands in the majority of ṣalāhs performed by him. On the other hand, Imām Shāfi'ī *rahimahullāh* and Imām Aḥmad *rahimahullāh* looked at the fact that the narrations which mention the raising of hands are stronger as regards their transmission. No matter which side you are inclined towards, you will certainly have to accept that there is room for both views. This is the situation with most rulings and issues.

3. Labelling a Ḥadīth as authentic or weak is also based on Ijtihād. This is why we see differences among the scholars of this subject [of assessing Aḥādīth]. One Imām considers a Ḥadīth to be authentic or sound, while another regards the same Ḥadīth as weak. This point is clearly gauged from a study of the Ḥadīth collections. Sometimes, Imām Abū Ḥanīfah *rahimahullāh* – based on his Ijtihād - considers a Ḥadīth to be worthy of practising on, while other Mujtahids consider it weak and therefore abstain from practising on it. Since Imam Abū Ḥanīfah *rahimahullāh* is a Mujtahid himself, the opinions of other Mujtahids are not proofs against him.

4. If a Muḥaddith labels a certain Ḥadīth as weak, it is sometimes due to a specific chain which is before him. Therefore, it is certainly possible for the same Ḥadīth to have come through another chain which is authentic. For example, the Ḥadīth:

من كان له إمام فقراءة الإمام له قراءة

Is labelled by some Muḥaddithūn as weak based on a certain chain of transmission. However, the *Musnad Aḥmad ibn Manī*, *Kitāb al-Āthār* and other Hadīth collections contain the same Hadīth which came down through an absolutely authentic chain of transmission.

5. Sometimes, a Hadīth may be weak as regards its transmission but because it is narrated through several chains and many transmitters from various regions narrate it, it is accepted. The Muḥaddithūn refer to such a Hadīth as *Ḥasan li ghayrihi*. People practising on this Hadīth cannot be accused of using a weak Hadīth as proof.

6. Sometimes a Hadīth is weak and this means that it contains a weak narrator. However, this does not necessarily mean that every weak narrator is always wrong. If there is other evidence to suggest the authenticity of that Hadīth, it will be accepted. For example, a Hadīth is weak in itself but all the *Ṣaḥābah raḍiyallāhu `anhum* and *Tābi`ūn* are practising on it. This will be a strong indication that the weak narrator related an authentic Hadīth. It is on this basis that all the Muḥaddithūn practise on the Hadīth:

لا وصية لوارث

*A bequest cannot be made in favour of an heir.*

In fact, there are times when the weak narration is given preference over an authentic Hadīth on this very basis. For example, the incident with regard to Hadīrat *Zaynab raḍiyallāhu `anhā*, the daughter of Rasūlullāh *sallallāhu `alayhi wa sallam*. She was married to Hadīrat *Abul `Āṣ raḍiyallāhu `anhu*. He was an unbeliever in the beginning and embraced Islam later on. There are differing narrations as to whether

Rasūlullāh *sallallāhu `alayhi wa sallam* upheld their previous marriage after he embraced Islam or whether he made them renew their marriage. The narration of Hadrat `Abdullāh ibn `Umar *radīyallāhu `anhu* states that they were asked to renew their marriage and a new dowry was also stipulated. The narration of Hadrat Ibn `Abbās *radīyallāhu `anhu* is that the previous marriage was upheld, they were not asked to renew it. The first of these two narrations is weak while the second is authentic. However, a distinguished Muḥaddith like Imām Tirmidhī *rahimahullāh* gave preference to the first Hadīth despite its weakness on the basis of the practice of the Sahābah *radīyallāhu `anhum*.<sup>1</sup>

Similarly, Imām Abū Hanīfah *rahimahullāh* sometimes also practises on a weak Hadīth on the basis of similar strong indications and evidences. This cannot be held as an accusation against him.

7. Sometimes no effort is made to correctly understand the view of Imām Abū Hanīfah *rahimahullāh* and he is considered to be acting against Hadīth because of this. Whereas he is practising exactly in accordance with the Hadīth. Some well-known scholars have also erred in this regard. For example, while objecting to the Hanafī view of *Ta`dīl Arkān*, an Ahl al-Hadīth scholar, Hadrat Maulānā Muḥammad Ismā`īl Salafī *rahimahullāh*, writes:

A Hadīth states that a person performed salāh in the presence of Rasūlullāh *sallallāhu `alayhi wa sallam*. He did not carry out the bowing and

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<sup>1</sup> Refer to *Jāmi` Tirmidhī, Kitāb an-Nikāh, Bāb az-Zaujāyn al-Mushrikayn Yuslimu Ahādūhumā*. This example was given in the light of the view of Imām Tirmidhī *rahimahullāh*. The Hanafī view is quite different.

prostrating postures with tranquillity. Rasūlullāh *ṣallallāhu `alayhi wa sallam* said to him on three occasions:

صَلِّ فَإِنَّكَ لَمْ تُصَلِّ

“Repeat your *ṣalāh* because you have not performed your *ṣalāh*.”

In other words, your *ṣalāh* is not considered to have any existence according to the Shari`ah. Based on this Hadīth, the Ahl al-Hadīth, Shāfi`īs and others are of the opinion that if there is no tranquillity in the bowing and prostrating postures, the *ṣalāh* will not be valid. The Hanafīs say that after learning the meaning of bowing and prostrating, we do not accept the explanation of the Hadīth and the rejection of the *ṣalāh*.<sup>1</sup>

This is really an erroneous portrayal of the view of the Hanafīs. The fact of the matter is that the Hanafīs also state that if the bowing and prostrating postures of *ṣalāh* are not carried out in a calm and balanced manner, it will be obligatory to repeat the *ṣalāh*. They are therefore practising completely on the words: “Repeat your *ṣalāh* because you have not performed your *ṣalāh*.” However, the only real point is that Imām Abū Hanīfah *rahīmahullāh* differentiates between *fard* and *wājib* while the other Imāms do not differentiate between the two. Imām Abū Hanīfah *rahīmahullāh* says that the *fard* acts of *ṣalāh* are those which have been established with certainty from the Qur`ān and Mutawātīr Ahādīth, e.g. the bowing and prostrating postures. The *wājib* acts of *ṣalāh*

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<sup>1</sup> *Tahrīk Āzādī Fikr*, p. 32.

are those which have been established through single narrations. There is no difference between the two in practice in the sense that when a *fard* act is left out, *ṣalāh* will have to be repeated, so is the case when a *wājib* act is left out. However, there is an observational difference between the two: the one who leaves out a *fard* act will be referred to as one who has left out *ṣalāh* and the rules of a person who leaves out *ṣalāh* will apply to him. On the other hand, a person who leaves out a *wājib* act is not labelled such. Rather, he is referred to as a person who has left out a *wājib* act of *ṣalāh*. In other words, the *fard* *ṣalāh* will be fulfilled but it will be *wājib* on him to repeat it. This ruling does not contradict the meaning of the Hadīth. In fact, this is clearly stated in the latter part of the same Hadīth.

It is related in *Jāmi` Tirmidhī* that when Rasūlullāh *ṣallallāhu `alayhi wa sallam* said to the person: “Repeat your *ṣalāh* because you have not performed your *ṣalāh*”, this statement appeared to be heavy on the Companions *radīyallāhu `anhum*. But when Rasūlullāh *ṣallallāhu `alayhi wa sallam* demonstrated the correct manner of performing *ṣalāh* to the person and emphasised on him the importance of tranquillity in *ṣalāh*, he said to him:

فإذا فعلت ذلك قد تمت صلاتك، وإن انتقصت منه شيئاً انتقصت من  
صلاتك.

*Once you do this, your ṣalāh will be complete. If you decrease anything from it, there will be a deficiency in your ṣalāh.*

Hadrat Rifā`ah radīyallāhu `anhu, the narrator of this Hadīth, says:

وكان هذا أهون عليهم من الأولى، أنه من انتقص من ذلك شيئاً انتقص من  
صلاته ولم تذهب كلها<sup>1</sup>.

*This statement appeared much easier to the Companions than the first one, viz. by decreasing any part of the ṣalāh, his ṣalāh will be deficient but his entire ṣalāh will not be non-existent.*

This statement of the Hadīth clearly provides the same details which are practised by the Hanafīs. While practising on the first part of the Hadīth, they also say that when *Ta`dīl Arkān* is left out, the ṣalāh will have to be repeated. While practising on the second part of the Hadīth, they say that if the person leaves it out, he will not be referred to as one who has abandoned ṣalāh; rather, one who has committed a deficiency and defect in it. After considering this entire explanation, look at the incorrect and erroneous impression which is created by the statement: “we [Hanafīs] do not accept the explanation of the Hadīth”.

Anyway, the point we were making is that sometimes the objections which are levelled against the Hanafīs stem from incorrect understanding of their views.

If these few fundamental points are borne in mind while pondering over the proofs of the Hanafīs, then – Allāh willing – this misunderstanding will be removed that the proofs of the Hanafīs are weak or that they give preference to Qiyās over Hadīth. The fact of the matter is that a Mujtahid has the right to differ with the evidence provided by Imām Abū Hanīfah *rahimahullāh* or to disagree with a certain opinion of his, but it is a serious transgression and injustice to unilaterally label his

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<sup>1</sup>جامع ترمذی، باب ما جاء في وصف الصلوة.

Madh-hab as weak or to claim that he gives preference to Qiyās over Hadīth.

Countless erudite and distinguished 'ulamā' praised the perceptive Ijtihād of Imām Abū Hanīfah *rahimahullāh*. However, we will suffice by quoting a few statements of a Shāfi'ī scholar who is considered to be an Imām in the fields of the Qur'ān, Hadīth, jurisprudence and Sufism, viz. Hadrat Shaykh 'Abd al-Wahhāb Sha'rānī Shāfi'ī *rahimahullāh*. He is not a Hanafi, but he severely refutes those who level objections against Imām Abū Hanīfah *rahimahullāh* or his juristical school. In fact, he has several sections in his book, *al-Mizān al-Kubrā*, dedicated to the defence of Imām Abū Hanīfah *rahimahullāh*. He writes:

إعلم يا أخي أني لم أجب عن الإمام في هذه الفصول بالصدور من إحسان الظن فقط، كما يفعل بعضهم، وإنما أجتبت عنه بعد التتبع والفحص في كتب الأدلة، وقد تتبعت بحمد الله أقواله وأقوال أصحابه لما ألفت كتاب أدلة المذاهب، فلم أجد قولاً من أقواله أو أقوال أتباعه إلا وهو مستند إلى آية أو حديث أو أثر أو إلى مفهوم ذلك أو حديث ضعيف كثرت طرقه أو إلى قياس صحيح على أصل صحيح، فمن أراد الوقوف على ذلك فليطالع كتابي المذكور<sup>1</sup>.

*My brother! You ought to know that whatever I said in these sections [in defence of] the Imām [Abū Hanīfah rahimahullāh] was not done out of mere noble thoughts about him, as is the habit of some people. Rather, I answered on his behalf after thoroughly*

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<sup>1</sup>الميزان الكبرى للشعراني، ج ١، ص ٦٣-٦٤، مطبوعة مصطفى البابي مصر.

*researching the books of proofs. All praise is due to Allāh, when I wrote my book on the proofs of the Madhāhib, I closely examined his [Imām Abū Hanīfah's] views and the views of his companions. I did not find any of his views or of his companions not having any basis from a verse [of the Qur'ān], a Hadīth, a statement of a Sahābī, a meaning derived from them, a weak Hadīth which becomes reliable when it has several chains of transmission, or a correct Qiyās based on a correct principle. Refer to this book of mine for details.*

## CHAPTER FIVE

### THE REALITY OF JURISTICAL DIFFERENCES

In order to fully understand the issue of Taqlid, it is also necessary to understand the reality of juristical differences in the Muslim nation. Why did these differences take place and what are their causes?

Fundamentally, one ought to bear in mind that differences on juristical issues are of two types:

1. Differences on issues which are so clear and absolute in the Qur'ān and Hadīth that there is no room for differences with regard to them. In other words, the words are so clear and complete that more than one meaning cannot be taken from them. For example, the Qur'ān says:

وَلَكُمْ نِصْفُ مَا تَرَكَ أَزْوَاجُكُمْ إِنْ لَمْ يَكُنْ لَهُنَّ وَلَدٌ

*For you [men] is half of what your wives leave behind if they had no children.*

It is absolutely clear that a husband will receive half the inheritance from his wife. If such a ruling is not found in the Qur'ān but stated in a Hadīth, then in addition to the words being clear and explicit, it is essential for the Hadīth to have come down through a reliable chain of transmission which convinces one to believe that it is certainly an injunction from Rasūlullāh *sallallāhu `alayhi wa sallam* and there is no room for any doubt about it.

There is absolutely no permission for differences as regards such beliefs and injunctions. Those who differ on such matters are considered to be astray and misguided.

2. The second type of injunctions are those in which there is room for differences or doubt. For example, there are many things in the Qur'ān and Hadīth which are said in words which could certainly have more than one meaning. For example, the Qur'ānic verse where in the waiting period ('iddah) of a divorced woman is mentioned:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ

*Divorced women shall keep themselves in waiting for three menstrual periods.*<sup>1</sup>

The word *qurū'* in the above verse is the plural of *qar'* which has two meanings: (1) the menses (the days of impurity), (2) the days of purity which the Arabs refer to as *tuhr*. The Arabic language has both meanings for the same word. This is why juristical differences on this issue prevailed since the era of the Sahābah *radīyallāhu `anhum*.

Similarly, there are many other Ahādīth regarding whose authenticity there are differences among the Muḥaddithūn despite many centuries of research in this regard. I am referring to those Ahādīth regarding which it is not ascertained with absolute certainty that they are in fact from Rasūlullāh *sallallāhu `alayhi wa sallam*.

This category includes issues regarding which differing points are learnt from different Ahādīth. The scholars who are involved in this field know fully well the extent of differences among narrations.

For example, it is learnt from some Ahādīth that Rasūlullāh *sallallāhu `alayhi wa sallam* prohibited the division of crops

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<sup>1</sup> Sūrah al-Baqarah, 2: 228.

between the cultivator and the landlord. A narration in *Sahīh Bukhārī* and *Sahīh Muslim*<sup>1</sup> on the authority of *Ḥadīrat Rāfi` ibn Khudayj radiyallāhu `anhu* states that *Rasūlullāh ṣallallāhu `alayhi wa sallam* prohibited the *Anṣār* from division of crops. There are several such narrations on the prohibition of division of crops. Refer to the books of *Ḥadīth* and jurisprudence. Some contain a general prohibition while others contain a prohibition in certain specific situations. Yet others contain a clear permission. For example, a narration of *Sahīh Bukhārī* and most other *Ḥadīth* collections state that *Rasūlullāh ṣallallāhu `alayhi wa sallam* entered into such an agreement with the Jews of *Khaybar* and practised on it.<sup>2</sup>

Differences of this nature are to be found in countless *Aḥādīth*, and this is the fundamental reason for juristical differences. So now you see differences in *Aḥādīth* themselves while they are all authentic *Aḥādīth*. This is why the *Imāms* have several opinions on this issue.

If differences in this second category are based on genuine academic principles and sound intentions, then not only are they acceptable but unavoidable. These are the same differences which have been coming down since the era of the *Sahābah radiyallāhu `anhum*.

### **The Sunnah Practice With Regard to These Differences**

When any difference of this nature was presented before *Rasūlullāh ṣallallāhu `alayhi wa sallam*, he did not consider a particular group or view to be incorrect. Instead, he allowed

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<sup>1</sup>صحيح البخاري، كتاب المزارعة، باب ما كان أصحاب النبي صلى الله عليه وسلم يواصي بعضهم بعضا. صحيح مسلم، كتاب البيوع، كراء الأرض بالطعام.

<sup>2</sup>صحيح البخاري، باب المزارعة بالشرط ونحوه.

both to consider their views to be correct. In so doing, he taught the Muslim nation – forever – to develop the habit of accepting differences on such issues. This teaching and practice of Rasūlullāh *ṣallallāhu `alayhi wa sallam* will be explained in detail later on.

### **The Fundamental Portion of Islam is Undisputed**

However, you should bear in mind that the fundamental and essential portion of Islam is absolutely unanimous and undisputed. No reliable scholar differs in this regard. For example, the fundamental beliefs with regard to the Being, names and attributes of Allāh *ta`ālā*; belief in the Hereafter; Paradise; Hell; the reality of prophet-hood; the unconditional obedience of Rasūlullāh *ṣallallāhu `alayhi wa sallam*; the obligation of acts of worship such as ṣalāh, zakāh, fasting and ḥajj; the essential obligatory acts of these acts of worship; acts of worship which are connected to the soul and which constitute the core and essence of Islam; e.g. love and fear for Allāh *ta`ālā*, piety, patience, reliance, contentment, abstinence, turning in repentance to Him, and other acts of the heart; the teachings of good character. In other words, what constitutes good and bad character? Truthfulness, trustworthiness, self-sacrifice, kindness, humility, desiring good for others, and other praiseworthy qualities and extensive details with regard to them. These are all the fundamentals of Islam on which Islamic life is constructed and through whose foundation the structure comes into existence. These are the soul and life of Islamic life. We can say with regard to this portion that there is no noteworthy discord about it.

The means through which this portion of Islam reached us are collectively absolute, certain and pure from all doubts and misgivings. This is why you will not find a scholar differing on

these issues. For example, no one disagrees about ṣalāh being an important pillar of Islam. Similarly, the manner of performing it has also reached us through absolute sources, and there are no differences in this regard. Ṣalāh will commence with the *tabkīr*, Sūrah al-Fātiḥah will be recited, followed by another Sūrah or verses, the bowing posture, the prostrations, and the final sitting posture with certain supplications. All this has reached us through such means – in fact, through so many practical and verbal narrations – that we can say with about 100% conviction that it is the same ṣalāh which the Muslim nation received from Rasūlullāh *ṣallallāhu `alayhi wa sallam*. The same can be said of fasting, zakāh and ḥajj. Similar is the case with the absolute prohibitions as regards economics and transactions, e.g. usury, dishonesty, cheating, deception, all forms of gambling, adultery, immorality – these are definitely unlawful according to all the ‘ulamā’. The same can be said about eating carrion, an animal which is not slaughtered in Allāh’s name, pigs, dogs and animals of prey.

If someone wishes, he can collate that entire section of Islam and the Sharī’ah which has come down to us with certainty and unanimity through absolute and certain means with clear and explicit texts, and which has been practised upon by the Muslim nation for the past fourteen centuries. Just these few references will convince the reader that the most important portion of the principles, values and their practical forms of Islam and Sharī’ah in which we believe are absolute, definite and undisputed.

### **Differences Only Exist in Subsidiary and Unimportant Issues**

After this most important and central portion of Islam and the Sharī’ah, the only thing which remains are the subsidiary

issues and rulings regarding which the Imāms differed ever since the era of the Sahābah radiyallāhu `anhum. Remember well that no matter how large a number these subsidiary and secondary rulings may be, there are two points which are certain and absolute about them:

(1) In comparison to the fundamental and primary portions of Islam and injunctions of the Sharī`ah, these issues are certainly secondary and subsidiary. The fundamental and central portion of Islam has definitely remained the same and unanimously accepted by the genuine Imāms and `ulamā' of the Muslim nation.

(2) (I earnestly request the reader to ponder carefully about this second point): Based on some special wisdom of Allāh *ta`ālā*, He Himself did not make them so clear to the extent that only one view remains and there is no room for a second opinion.

### **Allāh' Wisdom as Regards Disputed Rulings**

Unfortunately, people do not ponder over the fact that Allāh *ta`ālā* took it upon Himself to preserve this religion and Sharī`ah of Rasūlullāh *sallallāhu `alayhi wa sallam* until the day of Resurrection. It was therefore absolutely possible for Him that just as He did with the fundamental portion of Islam – which we mentioned above – He could have provided absolutely clear Qur`ānic verses and preserved the Aḥādīth of Rasūlullāh *sallallāhu `alayhi wa sallam* on secondary rulings as well, e.g. reciting Sūrah al-Fātiḥah behind the Imām, raising one's hands for the different postures of ṣalāh, and so on, after which there would have been no differences whatsoever among the Sahābah radiyallāhu `anhum, Tābi`ūn and Imāms. However, the Aḥādīth or verses which make reference to these issues – Allāh *ta`ālā* made them such that there is either

differences between them, different juristical schools can adhere to different Aḥādīth as proofs, or there is a possibility of more than one meaning in them. This proves that this is what Allāh's wisdom demanded – that there be differences on these issues and that they should continue.

### **The Approach of The Imāms**

The Imāms of Islam looked at these differences in the same light and understood that they are results of Allāh's special wisdom. That there is flexibility and latitude in this for the Muslim nation. May Allāh *ta`ālā* enable us to remain steadfast on this way of the Imāms of the past – this way which has always been the approach and way of the vast majority of the Ahl as-Sunnah wa al-Jamā`ah.

Hadrat `Umar ibn `Abd al-`Azīz *rahīmahullāh* who, together with being the caliph of his time, was also a senior scholar and Imām of Islam. He used to say: "I do not wish that there should have been no differences among the Sahābah *radīyallāhu `anhum* because had there been just one opinion, people would have experienced constriction. The Sahābah *radīyallāhu `anhum* were Imāms who ought to be followed. No matter whose opinion from among them is practised, there is room for it."<sup>1</sup> [His Arabic statement is as follows:]

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<sup>1</sup> Some of our extremist brothers are very particular about giving full importance only and solely to those Imāms who are well-known as Hadīth scholars. Their understanding and knowledge is confined to repeating the name of Imām Bukhārī *rahīmahullāh* and no one else. They do not know much about the other Imāms of Hadīth. We address such brothers specifically and say to them that Hadrat `Umar ibn `Abd al-`Azīz *rahīmahullāh* was also a very senior Imām of

ما أحب أن أصحاب رسول الله صلى الله عليه وسلم لم يختلفوا لأنهم لو كانوا قولا واحدا كان الناس في ضيق، وإنهم أئمة يقتدى بهم.<sup>1</sup>

Hadrat Qāsim ibn Muḥammad ibn Abī Bakr *rahimahullāh* quoted this saying of Hadrat `Umar ibn `Abd al-`Azīz *rahimahullāh* with great approval. He was a teacher of Imām Mālik *rahimahullāh* and a religious leader of Madīnah during the era of the Tābi`ūn. Another Imām of Hadīth, Ibn Wahb, related it from him. We provided these details so that it may become clear to the reader how the Imāms of the Ahl as-Sunnah viewed these differences.

On one other occasion, an academic discussion took place between Hadrat `Umar ibn `Abd al-`Azīz *rahimahullāh* and Hadrat Qāsim ibn Muḥammad *rahimahullāh*. In the course of his discussion, Hadrat `Umar ibn `Abd al-`Azīz said: "I consider the differences among the Ṣahābah *radiyallāhu `anhum* to be a most priceless bounty."<sup>2</sup>

Shaykh al-Islam Ibn Taymīyyah writes that a person compiled a book on the differences among the Imāms and titled it *Kitāb al-Ikhtilāf* (the book of differences). When Imām Aḥmad ibn Ḥambal *rahimahullāh* learnt about it, he said: "It should rather be named *Kitāb as-Sa`ah* (the book on flexibility)."<sup>3</sup>

A senior Imām and jurist among the Tābi`ūn, Qāsim ibn Muḥammad ibn Abī Bakr said:

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Hadīth. In fact, the vast written treasure of Hadīth which we have before us was by and large through his efforts and concern.

<sup>1</sup>جامع بيان العلم: ٨٠٦٢.

<sup>2</sup>جامع بيان العلم: ٨٠٦٢.

<sup>3</sup>المسودة، ص ٤٠١. فتاوى ابن تيمية: ١٥٩١٤.

لقد نفع الله باختلاف أصحاب النبي صلى الله عليه وسلم في أعمالهم، لا يعمل العامل بعمل رجل منهم إلا رأى أنه في سعة، ورأى أن خيرا منه قد عمله!

*Allāh enabled the Muslim nation to benefit from the differences among the Companions of Rasūlullāh sallallāhu `alayhi wa sallam. A person following the practice of any one of them will find flexibility for him in it, and he will think to himself that someone better than him practised on it.*

A distinguished Hambalī jurist of the past, Ibn Qudāmah Maqdisī, writes with regard to the ‘ulamā’ and Imāms:

اتفاقهم حجة قاطعة واختلافهم رحمة واسعة

*Their consensus is an absolute proof and their difference is extensive mercy [of Allāh ta`ālā].*

The statements of Imām Aḥmad *rahimahullāh*, Ibn Taymīyyah *rahimahullāh* and Ibn Qudāmah *rahimahullāh* have been specifically quoted because our brothers who – due to their misunderstanding – consider juristical differences to be a war between truth and falsehood, say to the masses that these differences are baseless and claim that the Muslim nation can be gathered on the Qur’ān and Sunnah also look up to these scholars with respect. If it were not for this reason, we would not have confined ourselves to these three scholars. After all, all the ‘ulamā’ of the past consider juristical differences to be flexible paths provided by Allāh *ta`ālā*. Throughout Islamic history, the Imāms unanimously accepted the possibility of

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<sup>1</sup>جامع بيان العلم وفضله.

differences in injunctions based on Ijtihād. They considered all different opinions to be explanations of the Qur'ān and Sunnah. As for the one who considers only his own understanding to be of the Qur'ān and Sunnah and believes others to be wrong, he is actually imposing his own understanding on others.

### **The Extent of Differences**

The reality of the differences among the Imāms is that it is a mercy from Allāh *ta'ālā*, a latitude given by Him, a demand of the Qur'ān and Hadīth and a consequence of it. It is confined to subsidiary issues regarding which Qur'ānic and Hadīth texts have more than one meaning or are not absolutely clear. The 'ulamā' explained their rulings in the light of other Qur'ānic and Hadīth texts and on the basis of the general temperament of the Sharī'ah.

For example, a narration of Sahīh Bukhārī states:

لا صلاة لمن لم يقرأ بفاتحة الكتاب

*The ṣalāh of the one who does not recite Sūrah al-Fātiḥah is not valid.*

Based on the above and a few other proofs, some Imāms are of the opinion that if a follower in ṣalāh does not recite Sūrah al-Fātiḥah, his ṣalāh will not be valid. Whereas another narration states:

من كان له إمام فقراءة الإمام له قراءة

*The recitation of the Imām serves as a recitation for the follower.*

Based on the above and other proofs, the majority of the Imāms say that the first narration applies to the one who is performing ṣalāh on his own, the second narration shows that

the recitation of the Imām suffices; the follower does not have to recite. In this way, they practise on both narrations.

We should therefore understand fully that this inevitable and genuine mercy and latitude are only confined to issues of this nature. The 'ulamā' refer to them as Mujtahad fihi Masā'il. They explain this term as follows:

كل حكم شرعي ليس فيه دليل قاطع<sup>1</sup>

*It refers to every such injunction of the Shari'ah regarding which there is no absolute proof.*

Ibn Taymīyyah says that Ijtihādī issues are those for which there is no clear Qur'ānic text, well-known Hadīth or consensus of the past scholars.<sup>2</sup>

### **The Qur'ān and Hadīth are Themselves Causes of Differences**

If I were to say that the Qur'ān and Hadīth are themselves causes of differences as regards secondary and subsidiary issues and rulings, a person lacking in understanding may wonder how can this be possible? Can the Qur'ān and Sunnah be responsible for differences in the Muslim nation?

I raised this question intentionally so that the reader may reflect once again on the reality of these differences as explained in the previous pages. The fact of the matter is that as long as these differences are not understood in the proper light, a person's mind will not be freed from confusion and complexities. These are the same confusions which come up in the form of the following questions:

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<sup>1</sup>المستصفي للغزالي.

<sup>2</sup>مجموع فتاوى ابن تيمية: ١٧٣١٢٤.

- If Allāh is one, the Qur'ān is one, the Messenger is one, why are their four Madhāhib?
- Why should the four Madhāhib be held responsible for putting an end to differences in the Muslim nation?
- When a person embraces Islam, the dilemma which he is faced with is whether he should become a Hanafī, Mālikī, Shāfi'ī or Hambalī.
- Why do we not follow the Qur'ān and Sunnah directly? Why do we follow the Imāms?

If these confused minds are left to themselves, they will certainly believe that the vast majority of the Muslim nation has been practising on a counterfeit Islam for the past 1 000 years. The thick veils of Taqlīd and the Madhāhib have fallen over genuine and pure Islam! In fact, there is a possibility of such confusion. To compound the problem, these dilemmas have caused some people lacking in understanding to harbour evil thoughts about the 'ulamā'.

If any group is not convinced that an important section of the Muslim nation remained adherent to pure Islam and that the reality of Islam was never covered behind veils, then this condition is sufficient to drown it in serious deviations and misguidance.

The only way to come out of all these dilemmas and the web of distressing thoughts, and the only path to conviction and steadfastness is to realize that the essential cause of these differences is not that a Hadīth did not reach a certain Imām.<sup>1</sup>

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<sup>1</sup> This did occur but in very rare cases. Anyway, even in such cases, the 'ulamā' of those same Madhāhib left aside the view of their Imāms.

Rather, there are natural reasons for them. One of them being the different ways and manners in which humans think. Another most important reason is the fact that some of the texts of the Shari`ah themselves – i.e. Qur`ānic verses and Ahādīth – can convey a person to more than one result and outcome.

We all believe that Allāh *ta`ālā* completed His Dīn with Rasūlullāh *sallallāhu `alayhi wa sallam* and also announced His guarantee for its preservation:

إِنَّا نَحْنُ نَزَّلْنَا الذِّكْرَ وَإِنَّا لَهُ لَحَافِظُونَ

*Surely it is We who revealed the Remembrance, and surely We are its protectors.*

ثُمَّ إِنَّ عَلَيْنَا بَيَانَهُ

*We take on the responsibility to explain it.*

Although Allāh *ta`ālā* took the responsibility of explaining and expounding the Qur`ān, we find certain injunctions described with words that could have more than one meaning. For example, the period of waiting for a divorced woman. Allāh *ta`ālā* says:

وَالْمُطَلَّقَاتُ يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ ثَلَاثَةَ قُرُوءٍ

*Divorced women shall keep themselves in waiting for three menstrual periods.<sup>1</sup>*

The word *qurū'* in the above verse is the plural of *qar'* which has two meanings: (1) the menses (the days of impurity), (2)

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<sup>1</sup> Sūrah al-Baqarah, 2: 228.

the days of purity which the Arabs refer to as *tuhr*. The Arabic language has both meanings for the same word. This is why juristical differences on this issue prevailed since the era of the Sahābah *radīyallāhu `anhum*. Hadrat `Abdullāh ibn Mas`ūd *radīyallāhu `anhu* considered this to mean the days of impurity and this is the view of the Hanafīs. Hadrat Zayd ibn Thābit *radīyallāhu `anhu* considered it to mean the days of purity and this is the view of Imām Shāfi`ī *rahīmahullāh*. Consequently, as per each school, the waiting period of a divorced woman will end at different times.

Now just think! Did Allāh *ta`ālā* not know that the word *qar`* has two different meanings?! Did He not know that it will cause differences among the `ulamā'? And that the followers of His Messenger *sallallāhu `alayhi wa sallam* will get divided into different Madhāhib because of it? He most definitely knew all this.

Furthermore, did Allāh *ta`ālā* not have the power to use some other word which has just one meaning and which could definitely show what He means by it? Could He not use a word which did not result in any juristical difference? He most certainly had the power to do it.

This means that the difference which resulted on this issue was caused by a verse of the Qur`ān itself and that Allāh *ta`ālā* willed for this difference to continue. This is why despite promising to expound on the Qur`ān, He left a leeway for differences on this verse.

Let us go one step further. Was it not possible for all the words of all the Ahādīth of Rasūlullāh *sallallāhu `alayhi wa sallam* to be absolutely clear, without any differences among them so that no one could derive more than one meaning from them? But

here we see several differing Aḥādīth on just one issue and the 'ulamā' having different opinions on how to concur them. In fact, the 'ulamā' provide various interpretations for just one single Hadīth.

I request the reader to read the above paragraphs again. The 'ulamā' do not need any example, but unfortunately, our childishness has made juristical partisanship our misfortune and cast us into the dilemma of trying to teach intricate technical matters to the masses who do not even know the elementary and basic teachings of Islam. We now have to explain to them the generalities and specifications of texts, abrogated and non-abrogated possibilities, principles of Hadīth, the intricacies related to the narrators of Hadīth and so on. If we have to explain these matters to them, how can we do it? And if we do not explain to them, we will have to let them fall into confusion and misguidance, and permit partisanship to create obstacles in every positive Islamic service that is being rendered. The perpetrators of this tribulation are moving around every alley and corner and causing the youth to have evil thoughts about the 'ulamā' and reformers. Those who succumb to them now act foolishly and insist that – although we are plumbers, electricians and school teachers who do not even understand Urdu [let alone Arabic], you must explain to us why Imām Abū Hanīfah, Imām Mālik, Imām Aḥmad and many other Imāms are not wrong with regard to reciting Sūrah al-Fātiḥah behind the Imām? Why should it not be said that all their ṣalāhs were not correct? After all, we read in such and such Hindi periodical that Saḥīḥ Bukhārī states that a ṣalāh without Sūrah al-Fātiḥah is not valid, and the person who wrote the article said that this means that even the follower's ṣalāh is not valid...is there any end to such foolishness!?

## A Lesson From The Sunnah With Regard to Such Differences

I was explaining previously that divine will had decided that differences exist in the Aḥādīth related to subsidiary and secondary issues and that they must have more than one meaning. The teaching of Rasūlullāh *sallallāhu `alayhi wa sallam* in this regard is that each of those who understand the Ḥadīth differently should not consider each other to be wrong. This is the lesson of the Sunnah of Rasūlullāh *sallallāhu `alayhi wa sallam*.

We present a simple example in this regard. The following incident took place after the Battle of Aḥzāb. Rasūlullāh *sallallāhu `alayhi wa sallam* sent a few Companions to the Banū Qurayzah with the following instruction:

لا يصلين أحد العصر إلا في بني قريظة

*Every one of you will only perform `aṣr ṣalāh when he reaches the Banī Qurayzah.*

Along the way, the time of `aṣr began to run out. Some of the Companions said: “Rasūlullāh *sallallāhu `alayhi wa sallam* instructed us not to perform ṣalāh until we reach there, so we are not going to perform it on the way.” Another group said: “Rasūlullāh *sallallāhu `alayhi wa sallam* did not mean that we have to perform it there even if it means performing it after its appointed time. Rather, he wanted us to hasten on our journey so that we reach our destination before the expiry of `aṣr time.” Anyway, each group practised on its own view. Upon their return, they related what transpired to Rasūlullāh

*ṣallallāhu `alayhi wa sallam*. He did not consider anyone of them to be wrong and did not speak out against any group.<sup>1</sup>

From this simple example Rasūlullāh *ṣallallāhu `alayhi wa sallam* left behind a very wise teaching for people of sound intelligence.

Just think! Rasūlullāh *ṣallallāhu `alayhi wa sallam* was certainly aware of what he intended. Did he want them to hasten and reach the area of the Banū Qurayzah quickly, as understood by those who performed their ṣalāh along the way? Or did he mean that they had to perform ṣalāh at the Banū Qurayzah no matter what the time, as understood by those who performed it there despite the little time that was left? Rasūlullāh *ṣallallāhu `alayhi wa sallam* certainly meant one of the two, and he was definitely aware of what he meant. Although the Companions differed on this issue – in fact, the narrations clearly state that they discussed the issue – Rasūlullāh *ṣallallāhu `alayhi wa sallam* did not say: “No, only one group is correct.” Instead, he did not reprimand any of the groups and did not even make clear to them what he really meant. He allowed each group to think that what it understood was correct, and the action of each – according to what it understood – was the correct action.

What can this mean apart from the fact that the purpose of Rasūlullāh *ṣallallāhu `alayhi wa sallam* was to teach us that when such issues confront us and there are differences in their understanding, then each group should be left to its own understanding. By Rasūlullāh *ṣallallāhu `alayhi wa sallam* abstaining from deciding who was right and who was not, he

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<sup>1</sup>صحيح البخاري، باب مرجع النبي صلى الله عليه وسلم من الأحزاب.

showed us this path that it is unintelligent to decide on right and wrong on every single issue.

What a beautiful lesson of wisdom in this incident! We specifically request those of our brothers to ponder over this Hadīth and its wisdom who, when we say to them a thousand times that we come to such and such juristical opinion in the light of the Qur'ān and Hadīth (with full sincerity and integrity) and consider it to be in line with the Qur'ān and Sunnah, and also consider other views to be acceptable; but they continually reply: "No! You are giving preference to the views of your Imāms over the orders of Allāh and Rasūlullāh *sallallāhu `alayhi wa sallam*."

Is there anyone who can know the real meaning of a Hadīth better than Rasūlullāh *sallallāhu `alayhi wa sallam*? Yet, he leaves this mystery to remain a mystery, and does not label any of the two groups to be right or wrong. Unfortunately, some of our brothers are bent on claiming that they have the right to decide whether the opinions of all the Imāms are right or wrong, and they will instigate those who read Hindi translations of Sahīh *Bukhārī* to do this!

### **The Muslim Nation Always Accepted These Differences**

Bearing in mind that these differences stem from the texts of the Qur'ān and Hadīth themselves, all the 'ulamā' and Imāms of the Muslim nation and all people of intelligence and wisdom considered this to be a reality, accepted it, and realized that it is impossible to put an end to it.

### **The Sahābah**

The foundation to this approach of the 'ulamā' was first laid by the Sahābah *radiyallāhu `anhum*. Even a person possessing basic Islamic knowledge knows that there were differences

among the Sahābah radiyallāhu `anhum on several issues. However, they always bore in mind that if, even after they presented their proofs and views to other `ulamā', they remained on their views, then it is considered to be a rational academic difference. And each person has the right to his own view. None of them accused the other of giving preference to his own view over that of the Qur'ān and Sunnah. Nor did any of them fall into the wishful thinking of putting an end to all juristical differences and "uniting the entire Muslim nation on one view based on the Qur'ān and Sunnah". In the entire Islamic history, this wishful thinking was probably committed only by Ibn Hazm rahīmahullāh and his followers who held an external view to everything. The `ulamā' are fully aware of the fact that the distinguished `ulamā' and Imāms of the Muslim nation considered Ibn Hazm, Dāwūd Zāhirī and others (while accepting their academic greatness) to be a rare minority school which moved away from the general path.

Ibn Taymīyyah rahīmahullāh writes with regard to the Sahābah radiyallāhu `anhum:

وقد اتفق الصحابة على مسائل تنازعوا فيها على إقرار كل فريق للفريق الآخر على العمل باجتهدهم، كمسائل في العبادات والمناكح، والموارث والعطاء والسياسة وغير ذلك... وهم الأئمة الذين ثبت بالنصوص أنهم لا يجتمعون على باطل ولا ضلالة، ودل الكتاب والسنة على وجوب متابعتهم.

*As regards contentious issues, the Sahābah concurred on allowing each group to act according to its own Ijtihād. This applies to injunctions related to acts of worship, marriage, inheritance, gifts,*

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<sup>1</sup>مجموع الفتاوى: ١٢٢\١٩.

organization and so on...The Sahābah are Imāms regarding whom clear texts state that they will never concur on committing a falsehood nor an act of deviation, and the Qur'ān and Sunnah demonstrate the obligation of following them.

### **The Imāms of Islam**

The Tābi`ūn were the inheritors of the knowledge of the Sahābah radiyallāhu `anhum. This legacy was then passed on to the Imāms who then conveyed it to the succeeding generations with such preservation and caution that not only did they preserve the outward forms of Islam but also the temperament and spirit of the past Imāms.

When we observe the attitude of the past Imāms, we learn that their approach to subsidiary, secondary and juristical differences was to give full vent to their feelings and opinions in intellectual and academic circles. They would refute the proofs of their opponents and do it clearly and frankly. But they never went to the followers of another Imām, group or city and instruct them to change their Madh-hab. They were not so stupid as to play ball with academic issues and opinions of the Imāms, and to engage in heated debates on the juristical differences among the Imāms.

Just a few pages before we quoted the statements of several Imāms who said that the position of the differences among the Sahābah radiyallāhu `anhum and Imāms was one of latitude and mercy conferred by Allāh *ta`ālā*. It would have proved too lengthy for the general reader to quote all the statements of the Imāms and scholars of Hādīth, so we restricted ourselves to just a few statements. There is no need to repeat them here. We will merely remind the reader that the statements of Hadrat `Umar ibn `Abd al-`Azīz rahimahullāh, the Imām of Madīnah-Hadrat Qāsim ibn Muḥammad ibn Abī Bakr

*rahimahullāh*, Imām Aḥmad ibn Ḥambal *rahimahullāh*, Ibn Taymīyyah *rahimahullāh* and Ibn Qudāmah Maqdisī *rahimahullāh* were quoted. We now quote a few more statements of the past scholars:

Imām Sufyān Thaurī *rahimahullāh* was not merely an Imām of Ḥadīth and jurisprudence, but a distinguished Imām of Islam. He said:

إذا رأيت الرجل يعمل العمل الذي قد اختلف فيه، وأنت ترى غيره فلا تنهه.<sup>1</sup>

*If you see a person practising on a ruling regarding which there are differences, and you do not agree with his view, you must not stop him [from practising on his view].*

If only we – who claim to be followers of the Salaf (past scholars) and Muḥaddithūn – could adopt their attitude and abstain from confusing the masses by telling them that their method of ṣalāh is incorrect. The same Imām Sufyān Thaurī *rahimahullāh* says:

ما اختلف فيه الفقهاء فلا أنهي أحدا من إخواني أن يأخذ به<sup>2</sup>

*As regards issues regarding which the jurists differ, I do not stop my brothers from practising on a view which is different from mine.*

Do you know who is quoting these statements of Imām Sufyān Thaurī *rahimahullāh*? It is none other than the distinguished Muḥaddith of his time around whom the science of Ḥadīth hovers, viz. Khaṭīb Baghdādī.

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<sup>1</sup>الفقيه والمتفقه: ٤١٨\١.

<sup>2</sup>الفقيه والمتفقه: ٤١٨\١.

Hadrat Imām Aḥmad raḥimahullāh says: “There was no one like Is-hāq from among those who came from Khurāsān. Although he holds a different opinion from ours on many issues, there have always been differences among people (i.e. among the ‘ulamā’).”<sup>1</sup> Despite my quest for brevity I do not think I can avoid quoting this statement in its original form. The words of the Imām are:

لم يعبر الجسر إلى خراسان مثل إسحاق، وإن كان يخالفنا في أشياء، فإن  
الناس لم يزل يخالف بعضهم بعضاً.

Imām Auzā’ī raḥimahullāh was an erudite Imām of Hadīth and jurisprudence in Syria. He was a contemporary of Imām Abū Hanīfah raḥimahullāh and Imām Mālik raḥimahullāh. Someone asked him about reciting Sūrah al-Fātiḥah while performing the silent ṣalāhs [zūhr and ‘aṣr] behind the Imām. He said:

إن قرأت فلك في رجال من أصحاب رسول الله صلى الله عليه وسلم أسوة،  
وإن لم تقرأ فلك في رجال من أصحاب رسول الله صلى الله عليه وسلم  
أسوة؟

*If you read it, you have some Companions of Rasūlullāh ṣallallāhu ‘alayhi wa sallam who are worthy of emulation. If you do not read it, you have some Companions of Rasūlullāh ṣallallāhu ‘alayhi wa sallam who are worthy of emulation.*

The same Imām Auzā’ī raḥimahullāh was asked: “Does a person’s ablution break if he kisses his wife?”

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<sup>1</sup> Tārīkh Baghdād, vol. 6, p. 348.

<sup>2</sup> الاستنكار: ٤٧١ \ ١.

The 'ulamā' differ on this issue and both opinions are found. Imām Auzā'ī *rahimahullāh*, based on proofs from the Qur'ān and Hadīth, considered the ablution to break. However, he gave a strange reply. He said: "If anyone asks me, I will tell him that he will have to perform a fresh ablution. But if a person does not perform ablution and performs ṣalāh with the old ablution, I will not reprimand him."<sup>1</sup>

Just think! Based on proofs from the Qur'ān and authentic Aḥādīth, Imām Auzā'ī *rahimahullāh* accepts the fact that ablution breaks in the above instance. However, he also knows that this is a contentious issue and the other Imāms hold different views about it. These Imāms opted for the other view out of fear for Allāh *ta'ālā*, with full integrity, and on the proofs from the Sharī'ah of Rasūlullāh *ṣallallāhu 'alayhi wa sallam* and Aḥādīth. Although I [Imām Auzā'ī] may consider their view to be incorrect, they are correct according to them. Imām Auzā'ī *rahimahullāh* knew that Allāh *ta'ālā* left these contentious issues in this way so that both views could be practised. Therefore, if a person does not perform ablution, I will not say to him that his ṣalāh is not valid and that he is acting against Hadīth.

Imām Auzā'ī *rahimahullāh* is neither disregarding all this nor is he overcome by the deception of his self into imposing his opinion onto others. Neither is he making a demand like people of today who say that everyone has to follow Rasūlullāh *ṣallallāhu 'alayhi wa sallam* and the only way to do this is for all of you to come onto our path and follow our view. No, this was not the way of the pious predecessors. Now read the following example:

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<sup>1</sup> *Al-Istidhkār*, vol. 1, p. 256.

Imām Mālik *rahimahullāh*, Imām Shāfi'ī *rahimahullāh* and the leader of the Tābi'ūn, Hadrat Sa'īd ibn Musayyib *rahimahullāh*, are of the view that the flowing of blood does not break ablution. On the other hand, Imām Abū Hanīfah *rahimahullāh*, Imām Aḥmad *rahimahullāh* and others are of the view that it breaks. Bear this in mind and then read the following: Ibn Taymīyyah *rahimahullāh* quotes in his *Fatāwā* that Imām Aḥmad *rahimahullāh* was asked if the flowing of blood and other impurities breaks ablution. He replied: “Yes. Ablution has to be repeated.” The questioner asked again: “If the Imām follows the view which states that ablution does not break, and he goes forward to lead the people in ṣalāh without repeating his ablution, then what?”

Imām Aḥmad *rahimahullāh* gave a reply which demonstrates the rank in which the Imāms and Muḥaddithūn held those of different views and of other Imāms. He said:

Glory to Allāh! Will you not perform ṣalāh behind  
Sa'īd ibn Musayyib and Imām Mālik?<sup>1</sup>

In other words, can the golden opportunity of performing ṣalāh behind distinguished personalities like Imām Mālik and Hadrat Sa'īd ibn Musayyib be left out for these academic and insignificant differences?!

We also learn from this that if a ṣalāh is not valid because of an action which is incorrect according to us, the ṣalāh of those who consider the action to be correct will be valid. And the correct view in this regard is that if those who hold a different view were to perform ṣalāh behind them, their ṣalāh will also be valid.

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<sup>1</sup> *Fatāwā*, vol. 20, p. 366; *al-Istidhkār*, vol. 1, p. 218.

This stand of the past scholars can be found among many Imāms. We will quote the statement of one more Imām of Hadīth. Imām Yaḥyā ibn Saʿīd al-Qattān *rahimahullāh* was the most distinguished Imām of Hadīth in his time. Another great Muḥaddith and jurist of his time, Imām Layth ibn Saʿd *rahimahullāh* relates that Imām Yaḥyā ibn Saʿīd al-Qattān *rahimahullāh* used to say:

ما برح أولوا الفتوى يفتون فيحل هذا ويحرم هذا، فلا يرى المحرم أن  
المحل هلك لتحليله ولا يرى المحل أن المحرم هلك لتحريمه.<sup>1</sup>

*The muftīs have always been issuing fatwās based on their views. One would label a thing as lawful while another will say it is unlawful. The one who said it was unlawful did not consider the one who said it was lawful to be destroyed (i.e. fallen into Islamic loss) because of his legalization. Nor did the one who labelled it lawful consider the other party to be destroyed for having made it unlawful.*

### Summary

Any way, after all these details, a few points about the differences among the Imāms as regards subsidiary issues become absolutely clear. No one apart from an obstinate or ignorant person will have cause for any doubt.

1. Certain texts of the Qurʾān and Hadīth contain latitude for more than one meaning. A single text, verse or Hadīth can have several meanings. There are times when there appears to be differences among the narrations of the Aḥādīth themselves.

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<sup>1</sup>جامع بيان العلم وفضله: ١٦١\٢.

2. The Imāms of the past did not deny the possibility of differences with other Madhāhib.
3. Instead, the Imāms of the past acknowledged the possibility of the correctness of other views and opinions. Although they considered their own opinions to be preferred and opposing ones to be unpreferred, they never made defamatory statements to opposing views on the basis that their own view was preferred in the light of the Qur'ān and Hadīth. Instead, as described previously, they respected opposing views and opinions.

We learn from this that those who consider the Ijtihād of the Imāms to be incorrect and baseless, who say that they are acting against the Qur'ān and Sunnah, and popularize among the masses that the Imāms were wrong – have no precedent whatsoever in this regard. They are absolutely without a precedent. These extremists have no head apart from Ibn Hazm and a few others whose attitude has always been rejected by scholars of every group and creed.

### **The Imāms Considered Other Madhāhib to be on The Truth**

This has always been the stand of the Imāms with regard to contentious issues. Hadrat Shāh Walī Allāh *rahīmahullāh* relates a famous incident. Imām Shāfi'ī *rahīmahullāh* is of the view that Du`ā'-e-Qunūt must be recited in the fajr ṣalāh. On one occasion, he happened to perform fajr ṣalāh near the grave of Imām Abū Hanīfah *rahīmahullāh*. Out of respect for the latter's view, Imām Shāfi'ī *rahīmahullāh* did not practise on his own view. When he was asked about it he said:

## ربما انحدرنا إلى مذهب أهل العراق'

*We sometimes choose the Madh-hab of the people of Iraq.*

Hadrat Shāh Wālī Allāh *rahimahullāh* relates another similar incident. Imām Mālik *rahimahullāh* issued a fatwā to the Caliph Hārūn ar-Rashīd stating that the flowing of blood does not nullify ablution. One day, the Caliph had a treatment of cupping in which a considerable amount of blood flowed. He then went forward to lead the people in ṣalāh without performing ablution. The view of Imām Abū Yūsuf *rahimahullāh*, the people of Kūfah and especially that of Imām Abū Hanīfah *rahimahullāh* was that ablution is nullified with the flowing of blood. However, he [Imām Abū Yūsuf *rahimahullāh*] performed ṣalāh behind the Caliph without any hesitation. When someone asked him about it after the ṣalāh, he replied:

Glory to Allāh! How can I not perform ṣalāh behind the Amīr al-Mu'minīn? Abstaining from performing ṣalāh behind our Imāms over such issues is the hallmark of innovators like the Shī'ah and Mu'tazilah.

Not only Hadrat Shāh Wālī Allāh *rahimahullāh*, even Ibn Taymīyyah *rahimahullāh* quotes this incident and expresses his agreement with it.<sup>2</sup>

The essence of our discussion to this point is that the general approach of the past Imāms to contentious and juristical issues is that they considered their own views to be correct and

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<sup>1</sup>الإصناف في أسباب الإختلاف، رد المختار.

<sup>2</sup>الجموع الفتاوى: ٣٦٥\٢٠.

preferred, and considered opposing views to be sometimes un-preferred and sometimes incorrect. However, at the same time they felt that there is leeway for other views. If anyone considers it to be correct, the scholar himself may practise on it and his followers may also do so. This will be the correct thing for him. We will neither say that he acted wrongly nor will we accuse him of acting against the Sharī'ah. In fact, the Imāms will themselves practise on the views of others based on certain wisdoms.

This is the summary of our discussion. Now read this very same summary of ours in the words of Ibn Taymīyyah *rahimahullāh*:

مسائل الإجتهد التي تنازع فيها السلف والأئمة، فكل منهم أقر الآخر على اجتهاده... فمن ترجح عنده تقليد الشافعي لم ينكر على من ترجح عنده تقليد مالك، ومن ترجح عنده تقليد أحمد لم ينكر على من ترجح عنده تقليد الشافعي ونحو ذلك<sup>1</sup>.

*As regards issues of Ijtihād about which the past scholars and the Imāms differed, each one of them acknowledged the other's right to practise on his Ijtihād. The one who preferred the Taqlīd of Imām Shāfi'ī did not denigrate the one who preferred the Taqlīd of Imām Mālik. The one who preferred the Taqlīd of Imām Aḥmad did not denigrate the one who preferred the Taqlīd of Imām Shāfi'ī, and so on.*

This is the statement of the same Imām Ibn Taymīyyah *rahimahullāh* whose name those [Ghayr Muqallid] brothers do not tire from taking whose continuous endeavour is to: (1)

<sup>1</sup>مجموع الفتاوى: ٢٠٠/٢٩٣.

label Taqlīd as deviation and misguidance, (2) consider the views of the Imāms on Ijtihādī issues to be wrong. These are the same two points regarding which Ibn Taymīyyah *rahīmahullāh* says in the above quotation that they are against the creed of the Imāms and past scholars.

He clearly states that when it came to differences based on Ijtihād, the unanimous position of the past scholars was to permit each person to practise on his own creed. He also says: Anyone wishing to make Taqlīd of anyone may do so without being criticized for it.

You see the attitude of the Salaf! And the attitude of Imām Ibn Taymīyyah *rahīmahullāh*!

### **Harsh Criticism by an Imām is Not a Model**

There could be one objection at this point. We occasionally come across certain Imāms using harsh words of criticism against others on certain issues of Ijtihād. How, then, can it be correct to say that those who criticize people of opposing views have deviated from the path of the past Imāms? A few points of clarification are needed to answer this objection:

1. You will rarely find such speech in the first four centuries of Islam. There is relatively more of it among the latter 'ulamā', Muḥaddithūn and commentators. The reason for this is that they undertook deep and arduous research on Ijtihādī issues. Their castigating tone is confined to academic discussions, not mass propaganda and public announcements. They never engaged in such discussions among the masses. We cannot find any proof where they – as it happens today – instigated such discussions among the masses and called on them to give up following the views of the

Imāms who are practising on the Sharī'ah and to follow their own views instead. No matter how heated these discussions may have been, they were confined to academic circles, class situations and those books which were to be read by the 'ulamā' alone. These issues were not discussed in alleys, street corners, tea-shops and masjid pulpits. Look at how devoid of wisdom they are – those who extracted the academic discussions of the 'ulamā' from books and made them subjects of discussion and disputes among the laymen!

2. There were few occasions in which an Imām made strong statements about a juristical Ijtihādī issue, labelled the view and creed of another Imām to be absolutely baseless and even went to the extent of labelling that Imām as unreliable. However, when the matter was investigated, it was realized that the narration was not correct and unauthentic. Rather, it was the product of the imagination of an extremist.
3. The Imāms were also humans. They do experience personal anguish due to differences in political, academic or religious issues. In such cases, the latter 'ulamā' used to consider them to be excused and did not regard their statements to be worthy of consideration. The Imāms made many clear statements in this regard.

Imām Dhahabī *rahimahullāh* says:

Statements of contemporaries with regard to each other are not worthy of consideration. This is especially when it is felt that the cause of it is differences in creed, opinions or personal enmity.

Only the one whom Allāh *ta`ālā* wills can be saved from this. I do not think anyone in any era could save himself from this, except of course the Prophets and Siddīqīn.<sup>1</sup>

This is a rule which has been mentioned by Imām Dhahabī *rahīmahullāh* no less than fifteen times in his book. We now relate a very admonitory lesson in this regard. A Hadīth states:

البيعان بالخيار ما لم يتفرقا

*The buyer and seller have the choice [of cancelling the transaction] as long as they do not separate.*

Imām Aḥmad *rahīmahullāh* and Imām Shāfi`ī *rahīmahullāh* understood from this Hadīth that even after the end of the transaction, the two have the right to cancel the transaction as long as they remain together (no matter how long a time passes). On the other hand, Imām Mālik *rahīmahullāh* and Imām Abū Hanīfah *rahīmahullāh* are of the opinion that they will enjoy this right until before the end of their conversation regarding the transaction. If, after the end of the transaction, the two remain together and get occupied in some other work or conversation, this right [of cancellation] will not be enjoyed until a physical separation. They say that a buyer generally departs once he pays for his goods. Based on this general condition, Rasūlullāh *sallallāhu `alayhi wa sallam* said that they have the right of cancellation until separation. However, if, after the end of the transaction, the buyer remains with the seller, then this is not what is intended by this Hadīth.

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<sup>1</sup>سير أعلام النبلاء: ٥٩١١.

A senior scholar and Muḥaddith by the name of Ibn Abī Dhi'ḅ was a contemporary of Imām Mālik *rahimahullāh* in Madīnah. He had a complaint against Imām Mālik *rahimahullāh* over a political and religious issue. When Imām Mālik's view was mentioned in his presence (which, according to Imām Mālik was proven from the Qur'ān and Hadīth, but against a Hadīth according to Ibn Abī Dhi'ḅ), he made a very harsh statement against Imām Mālik. He said: "If Mālik does not repent, his neck will be chopped off."

After relating this incident, Imām Aḥmad ibn Hambal *rahimahullāh* said:

مالك لم يرد الحديث، ولكن تأوله على غير ذلك

*No! Mālik did not cast aside the Hadīth. He took a different meaning from it.*

After making reference to the political and religious ill-feeling which existed between the two scholars, Imām Aḥmad *rahimahullāh* said: "Ibn Abī Dhi'ḅ surpassed Imām Mālik in expressing the truth before the king, and he was more pious than him."<sup>1</sup>

Imām Dhahabī *rahimahullāh* related this incident and also quoted this last statement of Imām Aḥmad *rahimahullāh*. He then said:

This is not the case. Had Ibn Abī Dhi'ḅ really been so pious, he would not have made such a vile statement against such a great Imām because

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1طبقات الحنابلة: ٢٥١\١.

Imām Mālik either took another meaning to the Hadīth or considered it to be abrogated.<sup>1</sup>

Imām Dhahabī *rahimahullāh* adds that Imām Aḥmad did not mention his chain of transmission, so this narration is probably not authentic.

Imām Aḥmad *rahimahullāh* and Imām Dhahabī *rahimahullāh* (bearing in mind that he was a Shāfi'ī) did not consider this opinion of Imām Mālik *rahimahullāh* to be correct. Despite this, he defends him and says that he took a different meaning to the Hadīth.<sup>2</sup> we learn from the comment of Imām Dhahabī *rahimahullāh* and the famous Muḥaddith, Imām Ibn 'Abd al-Barr, that the latter Imāms did not consider statements of this nature [made by Ibn Abī Dhi'b] wherein an Imām's view is criticized to be worthy of emulation. Imām Ibn 'Abd al-Barr *rahimahullāh* says:

Ibn Abī Dhi'b made an inappropriate and harsh comment against Imām Mālik. I do not even like to quote it.

Ibn 'Abd al-Barr *rahimahullāh* then lists the names of Imām Mālik *rahimahullāh*, Imām Shāfi'ī *rahimahullāh* and Imām Abū Hanīfah *rahimahullāh* and says that statements which have been made against them and others like them are unreliable. He goes to the extent of saying that the following couplet applies to anyone who speaks out against them:

كناطح صخرة يوما ليوهنها - فلم يضرها وأوهى قرنه الوعل

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<sup>1</sup> سير أعلام النبلاء: ١٤٣\٧ مع اختصار.

<sup>2</sup> This is not the place to compare and evaluate the two views.

*Like an ox striking its horn against a rock in order to weaken it. It did not harm the rock in the least. On the contrary, its horn broke.*

Imām `Abd al-Barr *rahimahullāh* goes on to relate an incident of Hadrat `Abdullāh ibn Mubārak *rahimahullāh*. A person said to him: “A certain man has evil opinions against Imām Abū Hanīfah.” He quoted the following couplet:

حسودك إن رأو فضلك الله – بما فضلت به النجباء

*If people were to see the special favours which Allāh conferred on you – the favours which He normally confers on noble people – they will become jealous of you.*

This book of Imām `Abd al-Barr *rahimahullāh* specifically deals with etiquette which are related to `ulamā' and students. He has an entire chapter devoted to this subject and goes at length in saying that if Allāh *ta`ālā* blessed a person with guidance, rectitude and a sound mind, he will never accept the derogatory statements which are made against these great Imāms until he receives clear evidence which is on the level of a testimony acceptable in the Sharī`ah.<sup>1</sup>

### **It is not Possible to Put an End to Differences**

From the many above-quoted statements of the distinguished scholars, `ulamā' and Imāms on the issue of juristical differences, the reader must have fully gauged that not only were these contentious issues accepted as an essential reality but a special demand of divine wisdom. They considered them to be the result of a special form and tone of Qur`ānic and Hadīth texts. Based on this, they expressed the reality that the Imāms had full right to understand those Ijtihādī and

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<sup>1</sup>جامع بيان العلم وفضله: ١٦١\٢.

contentious issues as they understood them, and the Qur'ān and Sunnah themselves had proofs which gave them the latitude to understand them as such. If an impartial and deep study of these juristical issues is undertaken, one could clearly conclude that the view of every Madh-hab was based on a permissible and lawful view. Therefore, to demand from someone that “you should certainly give up these views or else you will damage your Islam and you will be disobeying Allāh *ta`ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*” is nothing but the result of a superficial study of the Qur'ān and Sunnah, emotionalism and whims of partisanship.

The Imāms knew fully well how deep the roots of differences are in the Qur'ān and Sunnah, and how naturally embedded they are in Islamic history. This is why you will not find any Imām from the early centuries trying to move away anyone who followed an opinion of the Ṣaḥābah, Tābi`ūn and Mujtahid Imāms, or any group of people from any region who were following a particular juristical school and make them subservient to their own views and opinions.

Can anyone show us any place where Imām Shāfi`ī *rahimahullāh* tried to move away the people of Madīnah, the people of Kūfah or the people of Egypt who did not hold the view of reciting Sūrah al-Fātiḥah behind the Imām by presenting his proofs repeatedly to them, trying to convince them to change their creed, to give up following their `ulamā', and to follow the view of Imām Shāfi`ī *rahimahullāh* which was also in line with the Ḥadīth? The same question can be asked about ablution, ṣalāh, buying and selling and other issues in which there are differences of opinion. According to the past Imāms, “following the Qur'ān and Sunnah” did not mean you must move away from the Ijtihād of the different Imāms in the

name of following proofs and then calling people towards following you. In fact, if a request was made to anyone of them to try and put an end to differences through his writings or through the influence of the government, he displayed his factualness by not only saying that this was not possible, but by adding that it was against the objectives of the Sharī'ah and clearly stated that such an endeavour would also result in sedition and confusion in the Muslim nation.

### **An Admonitory Lesson of Imām Mālik**

May Allāh *ta`ālā* reward Imām Mālik *rahimahullāh* abundantly. There is an admonitory lesson from his life which the `ulamā' quote quite often. The famous Muḥaddith and expert in the science of narrators of Ḥadīth, Abū Ḥātim Rāzī *rahimahullāh*, narrates that Imām Mālik *rahimahullāh* related to him: "The Caliph Abū Ja'far Mansūr said to me: "If you wish, I could rally all the people around your book, the *Muwattā*. I will send an edict to all the Islamic military bases and cities instructing them not to act in contravention of your book." Imām Mālik *rahimahullāh* did not accept this proposal and said: "This is not right. After the demise of Rasūlullāh *sallallāhu `alayhi wa sallam*, many major regions were conquered during the era of `Umar *radīyallāhu `anhu*. He sent the `ulamā' among the Ṣaḥābah as teachers and muftīs to these regions. This resulted in each region practising on the creed of the Ṣaḥābī who was in that region. If you are going to restrict them to my book, they would consider it blasphemous." Other narrations state that he said that it is difficult to move people away from their creed. [Imām Mālik continues]: "The creed of each region

should therefore be permitted to continue.” The Caliph also concurred with this balanced and wise response.<sup>1</sup>

The *Siyar A'lām an-Nubalā'* quotes from Ibn Sa'd that Imām Mālik said: “O Amīr al-Mu'minīn! You should not do this because the people have with them the opinions of the Sahābah and other Imāms since before. They have their narrations with them. The people of each region have been practising on these narrations and traditions. It will be most difficult to shift them from those traditions. Therefore, the people should be left to do as they had been (as regards these subsidiary issues). Let the people of each region remain on the way which they have chosen.”<sup>2</sup>

The 'Abbāsī Caliphs had a lot of confidence in Imām Mālik *rahīmahullāh*. It is gauged from the *Tartīb al-Madārik* of Qāḍī 'Iyād *rahīmahullāh* that the Caliph Maḥdī had made a similar request to Imām Mālik *rahīmahullāh*, i.e. his writings should be proliferated throughout the Islamic lands under the auspices of the caliphate, and the entire Muslim nation should be made to practise on just one juristical school. Just think! Imām Mālik *rahīmahullāh* most certainly considered the correct juristical rulings to be those which he derived from the Qur'ān and Sunnah and noted in his books. He certainly did not consider opinions which were different from his to be correct. Despite this, this Imām of knowledge and Islam did not concur with the Caliph. He said:

O Amīr al-Mu'minīn! My creed is prevailing in the Maghrib (i.e. Egypt, Morocco, Tunisia, Algiers,

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<sup>1</sup>الجرح والتعديل لابن أبي حاتم: ٢٤١.

<sup>2</sup>ترتيب المدارك: ٦٠١.

Spain, etc.). However, Imām Auzā'ī is in Syria and his creed is popular there.<sup>1</sup> And the people of Iraq are the people of Iraq after all, they have their own creed which is well known.<sup>2</sup>

1. Ponder over this carefully. The special lesson from this incident is that as long as people are following a creed of any of the Imāms and Sahābah – a creed regarding which a Shar'ī explanation can be provided – they must be left to remain on that creed (even if any of us consider it to be incorrect).

2. Separate juristical schools and their Taqlīd is not something new. Like today, Taqlīd of the Madhāhib was made during the era of Imām Mālik *rahīmahullāh*. Different juristical schools had established themselves in the various regions. Imām Mālik *rahīmahullāh* made mention of these various schools as an existing and accepted fact. As we will explain further on, these very same Madhāhib later on took the form of Mālikī, Hanafī and other Madhāhib.

Anyway, we learnt one important point here, viz. Imām Mālik *rahīmahullāh* mentioned that his Madh-hab is prevailing in the Maghrib (north Africa and Spain), and so is the Madh-hab of Imām Auzā'ī *rahīmahullāh* in Syria. Personal Taqlīd, i.e. following the Madh-hab of one person had commenced by then and this was generally considered to be correct for the masses. (Yes, the Imāms used to prohibit it for those who were qualified to make Ijtihād. This will be mentioned further on).

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<sup>1</sup> Imām Mālik *rahīmahullāh* himself says about Imām Auzā'ī *rahīmahullāh*: “He is an Imām whose Taqlīd is made.” (*Tārīkh Abū Zur'ah*, p. 53)

<sup>2</sup> سير أعلام النبلاء: ٧٨\٨.

This misleading statement should therefore be stopped that the Imāms prohibited people from their own Taqlīd.

3. Probably the most important lesson from this incident is that although Imām Mālik *rahimahullāh* considered the views of other Imāms to be incorrect (according to him), and the correct one according to him was what he noted in his book together with proofs from Aḥādīth, he did not say with regard to those who follow other creeds and views: “They give preference to opinions of humans over that of Ḥadīth. They are blind Muqallids. They are fanatics. They are like those Jews and Christians who considered their scholars and monks to be partners with Allāh.” Reference is made to the following verse of the Qur’ān:

اِتَّخَذُوا اٰحْبَارَهُمْ وَرُهْبَانَهُمْ اَرْبَابًا مِّنْ دُوْنِ اللّٰهِ

*The People of the Book considered their scholars and monks to be lords apart from Allāh.*

Imām Mālik *rahimahullāh* did not say any of these things. Instead, he said in a very calm and collected tone: The creeds of the Ṣaḥābah and their representative ‘ulamā’ are prevailing in the different regions. Each one has its respective proofs. It is difficult to interfere with them.

4. The fourth point which is learnt from this incident is that according to Imām Mālik *rahimahullāh* (and other Imāms of the past) efforts to unite the Muslim nation on one single juristical creed is an impossible task and something which would put it through tribulations. Issues and rulings which are based on the Qur’ān, Sunnah, and foundations of wisdom and the Sharī’ah are such that they themselves provide the latitude for different opinions.

We explained previously that this was the creed of all the Imāms of the past. Therefore, those who call on the masses to move away from the reliable creeds of the 'ulamā' on Ijtihādī issues and ask them to follow their own creed in the name of the Qur'ān and Sunnah have most certainly and definitely moved away from the path of the Salaf.

At this point, I would like to quote another statement of a great Imām and Caliph of the Muslim nation, Hadrat 'Umar ibn 'Abd al-'Azīz *rahimahullāh*. The famous Muḥaddith, Abū Zur'ah Dimishqī relates that the thought came into the mind of Hadrat 'Umar ibn 'Abd al-'Azīz himself that a single legal code be issued and promulgated if not in all the Islamic centres and military bases, then at least in the courts. But then he pondered over this and concluded:

إنه قد كان في كل مصر من أمصار المسلمين وجند من أجناده ناس من أصحاب رسول الله صلى الله عليه وسلم وكانت فيهم قضاة قضاوا بأقضية أجازها أصحاب رسول الله صلى الله عليه وسلم ورضوا بها وأمضاها أهل المصر فهم على ما كانوا عليه من ذلك.

*There have been Companions of Rasūlullāh ṣallallāhu `alayhi wa sallam in every Muslim city and every Muslim military base. There were judges among them who passed judgements which were approved and sanctioned by the Companions of Rasūlullāh ṣallallāhu `alayhi wa sallam. The residents of the cities carried them out and they are continuing with whatever they have in this regard.*

Anyway, Hadrat 'Umar ibn 'Abd al-'Azīz *rahimahullāh* removed such thoughts from his mind despite having Hadīth

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<sup>1</sup>تاريخ أبي زرعة: ص ٩.

proofs for many of the issues which he had in mind. Despite having governmental authority and power, he did not impose his opinions on the different regions.

The *Sunan ad-Dārimī* quotes an authentic tradition which states that Humayd at-Tawīl expressed his view to Hadrat `Umar ibn `Abd al-`Azīz *rahīmahullāh* that the juristical differences which exist among the people should be put to an end and they must be rallied around one specific basis. This appears to be a very pure thought whereby the entire Muslim nation could be united! However, the Imāms knew that this outwardly pure view was against the scheme and mercy of Allāh *ta`ālā*. Hadrat `Umar ibn `Abd al-`Azīz *rahīmahullāh* replied: "I do not approve of an absence of differences among people (on juristical issues)." He then passed the following edict for each region:

ليقض كل قوم بما اجتمع عليه فقهاؤهم

*The people of each region must give a verdict according to what their own jurists agreed upon.*

This was the reality of the differences on juristical and Ijtihādī issues in the sight of the past scholars and Imāms. This is the united stand since the era of the Sahābah *radīyallāhu `anhum*, Tābi`ūn and the Mujtahid Imāms, i.e. since the best of eras.<sup>2</sup>

### **Differences Among The Salaf Was Not a Tribulation**

Anyway, these differences have been coming down since the era of the Sahābah *radīyallāhu `anhum*, Tābi`ūn and the past

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<sup>1</sup>باب اختلاف الفقهاء: ١١٠٩١.

<sup>2</sup> The first three centuries regarding which Rasūlullāh *sallallāhu `alayhi wa sallam* gave the glad tiding that they are the best of eras.

Imāms. The Imāms continued considering their own creeds to be correct according to them, and the creeds of others to be incorrect. However, since they were pure from fanaticism and self-opinionated attitudes, they accepted the fact that the opinions of others are based on proofs according to them [others], and that it would be a dangerous and disastrous tribulation to stop them from it and from causing confusion among the masses in this regard. If this was permitted, it would certainly result in division, discord and a wastage of resources and time. The Imāms considered this to be a tribulation. Therefore, they abstained from doing what the fanatics, egotists and proponents of partisanship of today are doing. Present day fanatics – through their narrow mindedness – hope to impose their personal opinions and Ijtihād on all the Imāms and are deceived into assuming that they are calling towards the Qurʾān and Sunnah.

The attitude of the Imāms to such issues was that the people of different regions or people belonging to different groups were to be left to the Ijtihādī opinions which they were practising on. In fact, if there was any fear of discord, then they should be supported. We provided the examples of Imām Mālik *rahimahullāh*, Imām Shāfiʿī *rahimahullāh*, `Umar ibn `Abd al-`Azīz *rahimahullāh* and other Imāms of the past in this regard. I now present one more example from the past Imāms.

There is a disputed issue which has been coming down since the eras of the Sahābah *radiyallāhu `anhum* and Tābi`ūn. Islamic law demands the producing of two witnesses by a plaintiff in a court of justice. If he presents the two witnesses, the ruling will be passed in his favour. If not, the Qurʾān clearly states, and so do several Ahādīth, that the defendant will have to take an oath. Once he takes an oath, judgement will be passed in

his favour. However, a few Sahābah *radiyallāhu `anhum* relate a Hadīth in which a plaintiff (on one occasion) could only produce one witness. So Rasūlullāh *ṣallallāhu `alayhi wa sallam* asked him to take an oath. He then passed judgement in his favour on the basis of his oath and one witness.

The Imāms differ on this issue. Imām Abū Hanīfah, Imām Sufyān Thaurī, Imām Auzā`ī, Imām Layth and other scholars of Iraq and Syria are of the opinion that this was just one single occasion for which there must have been a particular reason which could not be recorded in the narration. And the original ruling of the Sharī`ah which is mentioned in the Qur`ān and Hadīth is the general ruling, viz. a plaintiff must produce two witnesses.

For example, there was a plaintiff and Rasūlullāh *ṣallallāhu `alayhi wa sallam* said to him that the only way of ruling in your favour is for you to produce two witnesses. If not, the judgement will be passed in favour of the defendant on his taking an oath.

The above mentioned personalities prove from this that Rasūlullāh *ṣallallāhu `alayhi wa sallam* – in a court hearing – offered to the claimant only one form of ensuring a decision in his favour. If there was a possibility of an alternative, e.g. one witness and an oath, Rasūlullāh *ṣallallāhu `alayhi wa sallam* would have certainly said to him: If you cannot produce two witnesses, you must come with one and take an oath. If you do this, it will be in your favour. It was not permissible for the judge not to inform the person of the second option. This shows that legally, a plaintiff can only prove his claim on the production of two witnesses.

Anyway, based on this, the above Imāms say that the original ruling of the Sharī`ah is that the claimant is responsible to produce two witnesses. If not, the defendant will take an oath and have the decision passed in his favour.

On the other hand, Imām Mālik, Imām Shāfi`ī, Imām Aḥmad and others say that since it is established that Rasūlullāh *sallallāhu `alayhi wa sallam* passed a decision in favour of a claimant on the basis of one witness and an oath, then this becomes the law.

### **Correspondence Between Imām Mālik and Imām Layth ibn Sa`d**

Imām Mālik *rahimahullāh* and Imām Layth ibn Sa`d *rahimahullāh* used to engage in academic discussions through correspondence. This academic correspondence is a perfect example of differences of opinion accompanied with sincerity, love for Allāh's sake and upholding the etiquette of differences. Imām Layth ibn Sa`d *rahimahullāh* wrote on one occasion:

Passing judgement on the basis of one witness and an oath has been a prevailing practice in Madīnah. However, the *Sahābah radiyallāhu `anhum* in Syria, *Hims*, Egypt and Iraq did not practise this (the courts in these regions always had the following procedure: if a plaintiff could not produce two full witnesses, the defendant was asked to take an oath). Although they were aware of this, the *Khulafā' Rāshidīn* – Abū Bakr, `Umar, `Uthmān and `Alī *radiyallāhu `anhum* – did not pass any such edict to the governors of these regions compelling them to follow the practice of Madīnah where, if only one witness was available, he could be presented with taking an oath. (The reason for this

is that they considered it to be a correct view of a group of scholars, although the practice in the courts of Madīnah was different). When a defender of the Sunnah like `Umar ibn `Abd al-`Azīz became the Caliph in the Syrian capital, Ruzayq ibn Hakīm wrote to him saying: “When you were in Madīnah, you used to pass judgement in favour of the claimant on his presentation of one witness and taking an oath. But now that you are in Syria, you are not practising on this. What is the reason for the change?” Hadrat `Umar ibn `Abd al-`Azīz *rahimahullāh* replied: “Yes, I certainly used to do that in Madīnah, but I saw the practice here in Syria different. So I will practise according to the prevailing norm in Syria.” In other words, the plaintiff will be asked to produce two male witnesses or one male and two female witnesses.<sup>1</sup>

If only we too could follow our past scholars in this manner. As for our brothers who are not conversant with the nature and reality of texts of the Sharī`ah and the real background to the differences among the Imāms and, together with this, have succumbed to the maladies of narrow-mindedness and fanaticism – these poor fellows have strayed from the path of the past Imāms and are causing mental confusion and distress to the masses. They are wrongfully assuming that they are on the path of the pious predecessors and the path of truth.

### **Summary of Our Discussion**

In this chapter we tried to shed light on the reality and nature of juristical differences. As far as possible, we tried to explain

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<sup>1</sup>إعلام الموقعين: ١٠٦/٣.

in a manner which could be understood by an ordinary person who can read Urdu [English] but has not studied Islam. In conclusion, we would like to give a summary of the entire discussion in a few points.

1. The essential central portion of Islam is incidental. There is no difference in this regard among the reliable 'ulamā' of the Muslim nation. We can say with absolute certainty that the Islam which we are following is exactly the Islam of Rasūlullāh *sallallāhu 'alayhi wa sallam* which the *Ṣahābah radiyallāhu 'anhum* received from him. Islam reached us through continuous and unbroken verbal and practical traditions. There is no difference and doubt in this regard. The differences which exist among the reliable 'ulamā' are only in subsidiary and secondary matters. A major portion of these differences have been coming down since the eras of the *Ṣahābah radiyallāhu 'anhum* and *Tābi'ūn*.
2. In most cases, the cause and basis for these differences are the Qur'ān and Sunnah themselves. These differences stemmed from the foundations of the Qur'ān and *Aḥādīth*. Sometimes, a single verse and *Ḥadīth* can have more than one meaning. Sometimes, different opinions stemmed from different narrations. No matter what, each group has its own proofs.
3. Had Allāh *ta'ālā* willed, He could have shut the door to even these subsidiary differences. The fact that He permitted more than one meaning in texts of the Qur'ān and *Ḥadīth* is proof of the fact that Allāh's wisdom approved of these *Ijtihādī* differences and it is not His will to put an end to them. If not, He would not

have permitted contradictions among Ahādīth and the possibility of more than one meaning in Qur'ānic verses.

4. The Sahābah *radīyallāhu `anhum*, Tābi'ūn and later Imāms and 'ulamā' are unanimous in not prohibiting people from opting for the opinions of other 'ulamā', nor did they refer to them with names such as "misguided", "fanatical Muqallids" and so on.
5. In fact, the past Imāms did not even agree to any measures which aimed at putting an end to all differences. They felt that the people of each region must be left to follow their own 'ulamā' and Imāms.

## SUMMARY AND CONCLUSION

The issue of Taqlīd and juristical differences is purely an academic issue. We went at length in this book to make clear a path of truth, justice and moderation. This is the path which has always been followed by the 'ulamā' of the Ahl as-Sunnah. I feel I ought to shed a comprehensive light on the entire issue in a manner which would bring forth the straight and natural path of Taqlīd and juristical differences. I request the reader to reflect on the following points:

1. The first point which must be absolutely clear is that Taqlīd does not mean casting aside Allāh *ta'ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* and obeying an Imām or scholar. Followers of all four Madhāhib never ever, never ever believe that if their Imām or scholar says anything in contravention of the Qur'ān and Hadīth his opinion must be followed.

2. The injunctions of the Sharī'ah are of two types:

The first type are the clear and explicit injunctions of Allāh *ta'ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* which can be easily understood by an ordinary normal intelligent person. Moreover, there is no outward dichotomy and contradiction in the Qur'ānic verses and Ahādīth which deal with such injunctions and there are no real differences with regard to them. The original and central portion of Islam is based on these injunctions, and they form the essence of Islamic injunctions. No Taqlīd of anyone is made in this regard. Every person accepts the rule which came directly to him from Allāh *ta'ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam*.

The second type are those where Allāh *ta'ālā* and Rasūlullāh *sallallāhu `alayhi wa sallam* allowed more than one meaning in

the words of the Qur'ān or Hadīth. Alternatively, there is some outward contradiction between Ahādīth on such issues. Although injunctions of this nature are many, they do not hold a central and pivotal role as is the case with the first type. This is why we find juristical differences with regard to them ever since the era of the Sahābah *radiyallāhu `anhum* and it was not possible to come to a unified decision to this day.

One special point ought to be understood here. Although these contentious issues are many, they do not hold that important and fundamental role as the first type. Instead, all the 'ulamā' agree that despite differences with regard to them, a person remains among the Ahl as-Sunnah and is on the true path. Notwithstanding the differences, the Sahābah *radiyallāhu `anhum* and all the Imāms consider the opposing views to be on the truth as well. We re-quote the statement of Ibn Taymīyyah *rahimahullāh* in this regard:

وقد اتفق الصحابة على مسائل تنازعوا فيها على إقرار كل فريق للفريق الآخر على العمل باجتهدهم، كمسائل في العبادات والمناكح، والمواريث والعطاء والسياسة وغير ذلك...وهم الأئمة الذين ثبت بالنصوص أنهم لا يجتمعون على باطل ولا ضلالة، ودل الكتاب والسنة على وجوب متابعتهم.<sup>1</sup>

*As regards contentious issues, the Sahābah concurred on allowing each group to act according to its own Ijtihād. This applies to injunctions related to acts of worship, marriage, inheritance, gifts, organization and so on...The Sahābah are Imāms regarding whom clear texts state that they will never concur on committing a*

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<sup>1</sup>مجموع الفتاوى: ١٢٢\١٩.

*falsehood nor an act of deviation, and the Qur'ān and Sunnah demonstrate the obligation of following them.*

In such a situation where there is room for proofs to support more than view and there are differences among the 'ulamā' and Imāms, an ordinary layman who does not have knowledge of the Qur'ān, Sunnah and juristical acumen naturally has to practise on the view of a scholar whose knowledge and piety he has confidence in. This is what is known as Taqlīd.

3. The 'ulamā' of all the Madhāhib explain the reality and essence of Taqlīd as defined above. None from among them says that instead of the statement of Rasūlullāh *sallallāhu 'alayhi wa sallam*, the statement of an Imām or a scholar is a proof in itself or that following him is in itself compulsory and obligatory. Books on the principles of jurisprudence are filled with statements of the 'ulamā' in which they clearly state that Taqlīd is only made in matters where there can be differing views in the light of the Qur'ān and Hadīth, and there have been differences among the Sahābah *radiyallāhu 'anhum* and the Imāms. An ordinary layman will not be able to make his own decision in this regard. It is therefore his duty to follow the view of an Imām.

4. It is a deception to assume that a person can decide which Imām is right or wrong merely by reading a single periodical. The 'ulamā' went into many lengthy discussions on juristical issues. Entire books have been written on just a single subsidiary issue. Understanding these discussions and investigations requires the acquisition of formal knowledge. Let alone the masses, you cannot find more than three or four percent of 'ulamā' holding degrees who are able to understand these investigations. If Taqlīd cannot be made, it will become

necessary for every single person to spend his entire life in acquiring this knowledge. In such a case, there will be no Muslim labourers, farmers, traders, tailors, doctors and engineers. All of them will have to spend 15-20 years in acquiring knowledge of Islam. They will then devote themselves to studying tens of books in researching each ruling!!

The famous Imām of Hadīth, Khaṭīb Baghdādī *rahimahullāh* says:

ولأننا لو منعنا التقليد في هذه المسائل التي هي من فروع الدين لاحتاج كل أحد أن يتعلم ذلك، وفي إيجاب ذلك قطع عن المعاش وهلاك الحرث والماشية، فوجب أن يسقط.<sup>1</sup>

*If we were to prohibit Taqlīd in these subsidiary issues, every person will have to study them. If we had to impose on every single person to learn them, it would result in shortfalls in earning livelihood and the destruction of crops and cattle. Such a ruling [of prohibiting Taqlīd] can therefore not be given.*

5. As regards contentious issues – which in academic definitions is also known as Ijtihādī issues – the authentic and correct view is that every statement of the Imāms is correct. Allāh *ta`ālā* took the responsibility of complete elucidation of the Sharī`ah. Despite this, we see Allāh *ta`ālā* providing the latitude to hold different views on certain texts of the Qur`ān and Hadīth. Had Allāh *ta`ālā* willed, He could have conveyed the injunctions to us in a manner which did not permit any discord at all. If we had to rephrase this academic term, we

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<sup>1</sup>الفقيه والمتفقه، ٤١٦١.

could say that Allāh *ta'ālā* could have conveyed all the injunctions through texts which are *Qat'i ath-thubūt* and *Qat'i ad-dalālāh*.<sup>1</sup> However, He Himself left room for differences in some injunctions.

This is proof that what is required with regard to such injunctions is that a Mujtahid must ponder over the Qur'ān and Sunnah according to his intelligence, and obey Allāh *ta'ālā* according to what conclusion he comes to. On the other hand, the masses must follow Allāh's order in the light of the Mujtahid's opinion. Based on this, the Muḥaddithūn and jurists clearly state that as regards contentious issues, the opinion of every Mujtahid is correct. (كل مجتهد مصيب).

Imām Nawawī *rahimahullāh* says in his commentary to *Ṣaḥīḥ Muslim*: This is the opinion of the majority of erudite 'ulamā'.<sup>2</sup> Zarkashī states in *al-Baḥr al-Muḥit*<sup>3</sup> that this view (that the opinion of every Mujtahid is correct) has been supported by many examples by Imām Shāfi'ī *rahimahullāh*. I myself have come across a statement which supports this in *ar-Risālah*.<sup>4</sup>

6. The most certain way of identifying which injunctions are Ijtihādī – in which there is a possibility of differences – is when there are differences among the past Imāms on those injunctions. When there is a difference of opinion among the Imāms and no one shifts away from his opinion despite each other's proofs being presented, then it is a clear and certain

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<sup>1</sup> Texts whose authenticity is proven without a shadow of doubt and whose meaning is absolutely crystal clear.

<sup>2</sup> *Sharḥ Nawawī*, vol. 1, p. 51.

<sup>3</sup> Vol. 4, p. 537.

<sup>4</sup> P. 496, published by Dār al-Kutub al-'Ilmīyah.

indication that the issue is an Ijtihādī contentious issue. It is against the practice of the past scholars and Imāms of the Ahl as-Sunnah to consider any one of them to be wrong and baseless.

7. We daily experience people of extreme intelligence and know-how also differing as regards worldly transactions. Each one has his own opinion about certain things and there is no agreement among them. In the same way, differences as regards juristical issues are due to differences in how people think and understand things.

It is possible for Aḥādīth not reaching the Imāms on certain issues. However, as time passed, all groups were able to place their respective proofs before them. The books of Ḥadīth were compiled and proliferated. Countless 'ulamā' of each juristical school penned the proofs of their own creed. If differences remain even after all this, it means that there is a genuine room for differences in that particular issue. Had there been an opinion which was definitely correct and the other certainly incorrect, the latter 'ulamā' – among whom were senior Imāms – would have certainly reverted to the truth.

8. The practice of Taqlid had commenced from the era of the Ṣaḥābah *radiyallāhu 'anhum* itself. The people used to ask rulings from the 'ulamā' and the 'ulamā' among the Ṣaḥābah *radiyallāhu 'anhum* used to issue fatwās and teach rulings without providing any proof from the Qur'ān and Sunnah. Since the masses were unable to understand Ijtihādī and contentious issues, they used to accept the ruling based on their confidence in those 'ulamā'. A large number of juristical questions which were posed to the Ṣaḥābah *radiyallāhu 'anhum* and their answers to them can be found in the Ḥadīth collections; especially in *Muwattā Imām Mālik, Kitāb al-Āthār*,

*Muṣannaf Ibn Abī Shaybah* and others. You will find at least half of them issuing a fatwā without furnishing any proofs. This is the essence of Taqlīd. We quoted several examples from Hadīth collections in this book. The well-known Salafī scholar, Shaykh Ibn al-‘Uthaymīn also acknowledges that the practice of Taqlīd commenced from the era of the Sahābah *raḍiyallāhu ‘anhum*.

9. Taqlīd is an unanimous phenomenon. All ‘ulamā’ of the Ahl as-Sunnah spanning the entire history of Islam state that the masses must make Taqlīd of the ‘ulamā’ of their respective regions.

No justice-seeking person whose mind has not been covered by the veil of extremism and fanaticism can reject this fact that throughout the entire fourteen hundred years of Islamic history, not a single scholar who enjoyed general acceptance by the Islamic nation ever prohibited general Taqlīd and Taqlīd of the Madhāhib.

This one single point is sufficient to convey a person to the level of moderation. If a person received just a small share of a sound intellect and his mind has not succumbed to extremism, he will fear a thousand times to deviate from the unanimous stand of the ‘ulamā’ and Imāms.

We quoted the testimonies of the Muḥaddithūn and jurists in this regard. For example, the chief of the Muḥaddithūn, Imām Yaḥyā ibn Ma‘īn *raḥimahullāh* was a Hanafī. The creeds of Imām Mālik, Imām Layth ibn Sa‘d and Imām Auzā‘ī had proliferated in the various regions during their lifetimes. To top it all, there are explicit statements of Ibn Taymīyyah *raḥimahullāh* and Ibn al-Qayyim *raḥimahullāh* which not only state the permissibility of Taqlīd but its obligation. We remind

the reader once again of a statement made by Ibn Taymīyyah *rahīmahullāh*:

من ترجح عنده تقليد الشافعي لم ينكر على من ترجح عنده تقليد مالك  
ومن ترجح عنده تقليد أحمد لم ينكر على من ترجح عنده تقليد الشافعي  
ونحو ذلك. (٢٩٢\٢٠)

*The person who considers it better to make Taqlīd of Imām Shāfi'ī will not object against the one who considers it better to make Taqlīd of Imām Mālik. In the same way, the person who considers it better to make Taqlīd of Imām Aḥmad will not object against the one who considers it better to make Taqlīd of Imām Shāfi'ī and so on.*

Ibn Taymīyyah and Ibn Qayyim were Hambalīs themselves. The 'ulamā' never doubted this. Present day Salafī scholars also acknowledge it. Furthermore, Shaykh Muḥammad ibn 'Abd al-Wahhāb and his descendants and representatives – who are acknowledged by our Salafī brothers – were Hambalīs and admitted being Muqallids. In fact, they say:

بل نجبرهم على تقليد أحد الأئمة'

*We compel them to make Taqlīd of one of the Imāms*

After the fifth century of the Hijrah, all the Imāms and 'ulamā' whose erudition and greatness have been unanimously accepted made Taqlīd of some juristical school or another. The greatest proof for the correctness and preservation of Taqlīd and the following of Madhāhib is this very point that for the last 900 years all the 'ulamā', Sufis, revivers and reformers have been adhering to it. One should therefore be convinced

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<sup>1</sup> الدرر السنية: ٢٧٧\١.

that the safety of his Dīn lies in this way. The greatest Imāms of Hadīth not only supported Taqlīd of the Madhāhib but were themselves affiliated to one of them. This is especially so after the fifth century of the Hijrah, i.e. after the four Madhāhib were codified and proliferated. Centuries have passed and all the Muḥaddithūn have been following one of the four Madhāhib. This shows that the creed of the Muḥaddithūn is that of Taqlīd and not non-Taqlīd.

Moderation and balance with regard to Taqlīd has always been the call of the 'ulamā' and erudite scholars always felt the need for it. However, no one called towards giving up Taqlīd. A thorough search and investigation of the last 900 years will come up with a handful of individuals who were not Muqallids of any specific Madh-hab. But these were just a few in number who are absolutely nothing in the face of the large number of distinguished Imāms of the Muslim nation. In fact, when their popularity is compared to those 'ulamā' who believed in Taqlīd, the former appear to be non-entities.

In short, calling the masses towards giving up Taqlīd is a misplaced and innovated call for which there is no example from the lives of the past scholars. Apart from the likes of Ibn Hazm *rahimahullāh*, there are no 'ulamā' who were at the forefront in making such a call.

10. One of the biggest objections made against Taqlīd is that if a Muqallid comes across a Hadīth which contradicts his Madh-hab, what latitude does he have to continue following his Madh-hab?

If this issue is thought over carefully, there is no objection to it because Taqlīd is not made on rulings for which only one view is certainly correct and all others are wrong. Rather, it is made

in rulings regarding which the Imāms investigated the proofs of the Qur'ān and Sunnah and found contradictions in the proofs themselves. In other words, some proofs support one Madh-hab while other proofs support another. When it comes to such issues, an ignorant person who cannot come to a decision by himself follows an Imām or a Madh-hab.

From this it becomes clear that if a Muqallid comes across a proof which is contrary to his Madh-hab, and reliable righteous 'ulamā' inform him that we do not come to the same conclusion as you from the Hadīth under discussion, and our Madh-hab has other proofs, then it is obvious that he will continue making Taqlīd of that Madh-hab whose authenticity has always been testified by all the 'ulamā' of the Ahl as-Sunnah. It should be borne in mind that the 'ulamā' of all four Madhāhib have always been saying that the four Madhāhib are correct. Now an ordinary person is neither a Mujtahid nor a scholar to decide which Imām's view is better. Therefore, he has no alternative but to make Taqlīd of his 'ulamā'. If he thinks that he has the capability of making his own decision after studying a few books and that he can say which Imām's view is correct and which is not, then this will undoubtedly be extremely foolish. Thus, if a Muqallid comes across a Hadīth which contradicts his Madh-hab, all he has to do is enquire from the true 'ulamā' and satisfy himself.

Yes! The 'ulamā' laid down the following prerequisite for the correctness of Taqlīd, as stated by Hadrat Shāh Walī Allāh Dehlawī *rahimahullāh*: A person's mind must be clear and his intention about his objective must be correct, viz. emulating Rasūlullāh *sallallāhu 'alayhi wa sallam* and following the Qur'ān and Sunnah. The person who I am following is a scholar of the Qur'ān and Sunnah and merely a representative and exponent

of the Sharī'ah. Moreover, his mind must be prepared to accept that once he is convinced that the situation is different and that another ruling has been established from the Sunnah, he will never hesitate in following the other option. However, the only way an ordinary layman can learn this is when a large number of reliable 'ulamā' or a clear majority of them unanimously state that such and such view contradicts the Hadīth.<sup>1</sup>

We quoted the statement of Shaykh Muḥammad ibn 'Abd al-Wahhāb previously where he stated that issues of this nature are extremely rare. In other words, it is difficult to find them.

However, if the Muqallid is an erudite scholar and possesses in-depth knowledge of the sciences of the Sharī'ah, and feels that the opinion of the Madh-hab which he is following contradicts an authentic Hadīth, and it has no strong proof for its own opinion, then the word "Muqallid" certainly does not mean that he must not accept the proof and continue following his Madh-hab. The majority of the jurists of the four Madhāhib say that such a scholar will not follow his Madh-hab on this issue but practise on the Hadīth provided there is an opinion of an Imām which supports that Hadīth. Hadrat Shāh Walī Allāh rahimahullāh states that this is the unanimous decision of the 'ulamā' of all four Madhāhib.<sup>2</sup>

There are several examples in the four Madhāhib where the latter 'ulamā' left aside the view of their Imām and opted for another creed. All objections can be removed from the above discussion. The 'ulamā' of all four Madhāhib believe in this

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<sup>1</sup>حجة الله البالغة، باب أسباب التحريف، وباب حكاية الناس قبل المائة الرابعة.

<sup>2</sup>عقد المجيد: ص ٢٤.

balanced form of Taqlīd. In this way, all those objections which are normally made about acting against a Hadīth no longer exist.

11. The type of Taqlīd which is accepted by all the celebrated Imāms of the Ahl as-Sunnah is this very same balanced form of Taqlīd. The 'ulamā' of all the Madhāhib criticize that type of Taqlīd in which there is extremism, inflexibility and fanaticism. If obedience to the Imām whose Taqlīd is made is considered to be essential in itself, and he is considered to be sinless or other 'ulamā' are believed to be definitely wrong, then this is extremism and fanaticism. Therefore, despite making Taqlīd of a Madh-hab, there should be no type of partisan fanaticism, propagation of one's own Madh-hab, nor unjustified support and defence of one's fellow followers of the Madh-hab. Rather, a person should believe that his own Madh-hab is correct and other Madhāhib are also on the true path.

This is the balanced creed on which the erudite and distinguished scholars of every era stood. From the 'ulamā' of the recent past, we quoted the explicit statements of Hadrat Gangohī *rahimahullāh* and Hadrat Thānwī *rahimahullāh* in this regard.

12. A point of real wisdom on the part of our Imāms was that they left their masses to their regional Madh-hab as long as the Qur'ān and Hadīth permitted it. For the last two hundred years, our elders of the Indian Subcontinent chose the Hanafī Madh-hab and generally abstained from leaving it solely for the religious and propagational benefits to the Subcontinent. The majority of the Muslims of this Subcontinent are Hanafīs. Innovations and fabricated practices – in fact, un-Islamic beliefs and acts of open polytheism – have

been coming down since centuries. In such a situation, if the Allāh-inspired servants who stood up to carry out the task of reformation and renewal of Dīn were to oppose the masses as regards their juristical creed, it would have become an easy excuse and means for evil 'ulamā' and ignorant Sufis to alienate the masses from such reformers. Consequently, not even one percent of the great and immense reformational achievements would have been possible.

13. One question which is generally raised is should the words of the Prophet be followed or of the Imām? This objection is nothing but an effort to create a wrong impression. When it comes to Taqlīd, even an ordinary layman has no doubt whatsoever that Taqlīd does not mean abandoning the Qur'ān and Sunnah and following the Imāms and Madhāhib. Taqlīd is not made of anyone when it comes to those injunctions of the Qur'ān and Sunnah which are so clear and explicit that there can be no real differences about them. Every person follows the Qur'ān and Sunnah directly. However, when it comes to subsidiary rulings, it happens quite often that the words of the Qur'ān and Hadīth could have more than one meaning. Furthermore, there are countless differences in Ahādīth, and the Sahābah *radīyallāhu 'anhum* and Imāms differed with regard to them. When it comes to this portion of the Sharī'ah (in which the Imāms have differing views), a person having little knowledge has no other alternative but to follow the opinion of a reliable Imām or Madh-hab. He does not have sufficient knowledge to understand the entire treasure of knowledge. When he follows a Madh-hab or Imām, his intention is of acting on the Qur'ān and Sunnah. He considers his Imām or Madh-hab to be nothing more than an explainer of the Sharī'ah and a means to practising on it. When it comes to such contentious issues,

even the Ahl al-Hadīth masses undoubtedly make Taqlīd of their 'ulamā'. What else can those of every creed who cannot personally study and ponder over the proofs do?

14. We explained previously that many issues of Dīn have been presented in a manner which permits more than one meaning. For example, words could sometimes have more than one meaning or there could be a dichotomy between two Ahādīth. It is these very issues which are points of contention among the Imāms and juristical differences stemmed from them and came down through the generations.

The point which needs real consideration is that it was possible for Allāh *ta'ālā* to have absolutely certain and clear Qur'ānic verses or Ahādīth should have been preserved in a manner which left no room whatsoever for the Saḥābah *radīyallāhu `anhum*, Tābi'ūn and Imāms to have differences about them. However, when it comes to such issues, the verses or Ahādīth which Allāh *ta'ālā* presented seem to have contradictions, or two or more creeds are able to adopt separate Ahādīth as proofs. Alternatively, a single verse or a single Hadīth permits more than one meaning. This is proof that Allāh's wisdom willed for the continued presence of differences in such matters.

When such differences arose in the presence of Rasūlullāh *sallallāhu `alayhi wa sallam*, he too did not label one group to be correct and the other to be wrong. Instead, he allowed each group to consider its own view to be correct. In so doing, he taught the Muslim nation to get into the practice of accepting differences in issues of this nature. A beautiful example in this regard was related previously.

What other intent could be taken from the response of Rasūlullāh's *sallallāhu `alayhi wa sallam* apart from the fact that when people of understanding are faced with such issues and there are differences among them, they should be left to their own understanding. When Rasūlullāh *sallallāhu `alayhi wa sallam* himself did not issue a verdict as to who is right and who is not, he taught us that it is unintelligent to decide on right and wrong on every single matter.

15. This was also the approach of the Sahābah *radiyallāhu `anhum* in such matters. Ibn Taymīyyah *rahimahullāh* says: "As regards contentious issues, the Sahābah concurred on allowing each group to act according to its own Ijtihād."<sup>1</sup>

16. The Imāms looked at and understood these differences in the same light. That is, they are results of Allāh's special wisdom and there is latitude and leeway for the Muslim nation in it. Hadrat `Umar ibn `Abd al-`Azīz *rahimahullāh* who, together with being the caliph of his time, was also a senior scholar and Imām of Islam. He used to say: "I do not wish that there should have been no differences among the Sahābah *radiyallāhu `anhum* because had there been just one opinion, people would have experienced constriction. The Sahābah *radiyallāhu `anhum* are Imāms who ought to be followed. So no matter whose opinion from among them is practised, there is room for it."

Hadrat Qāsim ibn Muḥammad ibn Abī Bakr *rahimahullāh* quoted this saying of Hadrat `Umar ibn `Abd al-`Azīz *rahimahullāh* with great approval. He was a teacher of Imām Mālik *rahimahullāh* and a religious leader of Madīnah during the era of the Tābi`ūn. Another Imām of Hadīth, Ibn Wahb,

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<sup>1</sup> *Majmū` al-Fatāwā*, vol. 9, p. 122.

related it from him. We provided these details so that it may become clear to the reader how the Imāms of the Ahl as-Sunnah viewed these differences.

Imām Sufyān Thaurī *rahimahullāh* was not merely an Imām of Hadīth and jurisprudence, but a distinguished Imām of Islam. He said:

إذا رأيت الرجل يعمل العمل الذي قد اختلف فيه، وأنت ترى غيره فلا تنهه!

*If you see a person practising on a ruling regarding which there are differences, and you do not agree with his view, you must not stop him [from practising on his view].*

Imām Auzā'ī *rahimahullāh* was asked: "Does a person's ablution break if he kisses his wife?"

The 'ulamā' differ on this issue and both opinions are present. Imām Auzā'ī *rahimahullāh*, based on proofs from the Qur'ān and Hadīth, considered the ablution to break. However, he gave a strange reply. He said: "If anyone asks me, I will tell him that he will have to perform a fresh ablution. But if a person does not perform ablution and performs ṣalāh with the old ablution, I will not reprimand him."<sup>2</sup>

Shaykh al-Islam Ibn Taymīyyah writes that a person compiled a book on the differences among the Imāms and titled it *Kitāb al-Ikhtilāf* (the book of differences). When Imām Aḥmad ibn

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<sup>1</sup>الفقيه والمتفقه: ١١\٤١٨.

<sup>2</sup> *Al-Istidhkār*, vol. 1, p. 256.

Hambal *rahimahullāh* learnt about it, he said: “It should rather be named *Kitāb as-Sa`ah* (the book on flexibility).”<sup>1</sup>

A distinguished Hambalī jurist of the past, Ibn Qudāmah Maqdisī, writes with regard to the ‘ulamā’ and Imāms:

اتفاقهم حجة قاطعة واختلافهم رحمة واسعة

*Their consensus is an absolute proof and their difference is an extensive mercy [of Allāh ta`ālā].*

Ibn Taymīyyah *rahimahullāh* quotes this beautiful statement with much approval.

The statements of Imām Aḥmad *rahimahullāh*, Ibn Taymīyyah *rahimahullāh* and Ibn Qudāmah *rahimahullāh* have been specifically quoted because our brothers who – due to their misunderstanding – consider juristical differences to be a war between truth and falsehood, say to the masses that these differences are baseless and claim that the Muslim nation can be gathered on the Qur’ān and Sunnah also look up to these scholars with respect. If it were not for this reason, we would not have confined ourselves to these three scholars. After all, all the ‘ulamā’ of the past consider juristical differences to be flexible paths provided by Allāh *ta`ālā*. Throughout Islamic history, the Imāms unanimously accept the possibility of differences in injunctions based on Ijtihād. They consider all different opinions to be explanations of the Qur’ān and Sunnah. As for the one who considers only his own understanding to be of the Qur’ān and Sunnah and believes others to be wrong, he is actually imposing his own understanding on others. This shows that those who consider

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<sup>1</sup>المسودة، ص ٤٠١. فتاوى ابن تيمية: ١٥٩١٤.

the Ijtihād of the Imāms to be wrong and baseless, say that they [Imāms] are against the Qur'ān and Sunnah, say to the masses that the Imāms are wrong, deceive the ignorant laymen and cause confusion among them – such people have no precedent whatsoever. These extremists can find no icon for themselves from the Imāms of the past.

If only we – who claim to follow the Salaf and the Muḥaddithūn – could adopt their ways and tread their path!



All praise is due to Allāh *ta`ālā*, the English translation of this enlightening book was completed on 25 Rabī` al-Awwal 1435 A.H./24 January 2014.

رَبَّنَا تَقَبَّلْ مِنَّا إِنَّكَ أَنْتَ السَّمِيعُ الْعَلِيمُ وَتُبْ عَلَيْنَا إِنَّكَ أَنْتَ التَّوَّابُ الرَّحِيمُ

I request the reader to inform me of any mistakes, typographical errors, etc. in this translation. Constructive criticism and suggestions on how to improve this work are most welcome. I can be contacted via e-mail:

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## GLOSSARY

**Ahl al-Ḥadīth:** Literally means “people of Ḥadīth”. In the context of this book it refers to those who do not follow the four Imāms of jurisprudence and claim to follow Ḥadīth only. They coined this term for themselves to give the impression that they are following Ḥadīth while others are following the Imāms and not Ḥadīth.

**ʿĀlim:** A scholar.

**Dār al-Ḥarb:** A place which is at war with the Islamic state.

**Dīn:** Commonly translated as religion.

**Fard:** Compulsory.

**Ghayr Muqallid:** A person who does not follow any of the four Imāms of jurisprudence.

**Ijtihād:** Exerting of one’s faculties to the utmost for the purpose of forming an opinion on a matter which is doubtful and difficult.

**Madhāhib:** Plural of Madh-hab.

**Madh-hab:** A juristical school such as the Ḥanafī, Mālikī, Shāfiʿī or Ḥambalī schools.

**Mujtahid:** A person who is qualified to make Ijtihād.

**Muqallid:** A follower of one of the four juristical schools.

**Mutawātir:** A Ḥadīth which is narrated by such a large group of people that it is considered impossible for all of them to have got together to fabricate it.

**Qiyās:** Analogical reasoning, deduction by analogy.

**Salaf:** The pious predecessors, those who left a great Islamic legacy.

**Salafī:** In the context of this book it refers to those who claim to follow the scholars of the past but are really Ghayr Muqallids.

**Satr:** That portion of the body which has to remain covered. For a man it is from the navel to below the knee. For a woman, her entire body from head to toe except for her wrists and feet.

**Shar`ī:** Pertaining to the Sharī`ah.

**`Ulamā':** Plural of `ālim.

**Wājib:** Obligatory.