

Ilm Essentials

Islāmic Scholarship

Lesson 4

Understanding Taqlīd

Possibilities

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- Agreement that everyone must obey Allah and His Messenger (sallallahu alaihi wa sallam)
 - Everyone can do it themselves
 - Direct recourse to the Quran and sunnah
 - Direct recourse for the mujtahids
 - Layman takes from them
 - Direct recourse for anyone considered a scholar
 - Layman takes from them
 - Direct recourse for the layman in what makes sense to him
 - Asks about the rest
 - Indirect recourse for the layman
 - A scholars presents multiple views with evidences
 - The layman decides which is stronger
 - “Infallible” scholars
 - Pope
 - 12 imāms

Agreement

- Agreement that Allah is the Lawgiver
 - ▣ And He chose the Prophet (sallallahu alaihi wa sallam) to take part in that
- Anything that is clear from the Quran and sunnah must be followed
 - ▣ Irrelevant of what any scholar says
 - Umar was corrected regarding the amount of dowry
- But we have already seen that certain issues in the Quran and sunnah are not clear
 - ▣ “The halāl is clear and the harām is clear and between them are doubtful matters” (Muslim)
 - And others are not mentioned at all
 - Some of which can be inferred (qiyās)
 - Some of which are totally new

Agreement

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- When these “new or unclear” issues arise
 - ▣ Not for the lay person to judge for himself
 - “If a group from every expedition remained behind, to devote themselves to learning the religion, so that they may admonish their people when they return to them, so that they may guard themselves (against evil)” (Quran 9:122)
 - If the average person can judge for himself
 - Why does a group need to stay behind
 - Verse does not say to stay back and learn
 - So that you can present opinions to the layman and let him decide
 - Also mentions “devote themselves to study” as a condition

Asking People of Knowledge

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- Must ask the people of knowledge
 - ▣ “Ask the people of remembrance if you do not know” (Quran 21:7)
 - ▣ “Follow Allah and His Messenger and those in charge” (Quran 4:59)
 - “Those in charge” are the jurists who alone have the skills to derive laws from the Quran and sunnah (Ibn Abbās)
- No indication of a non-scholar extracting law himself
 - ▣ Censure from the Prophet (sallallahu alaihi wa sallam) when this was done
 - “Verily the cure for not knowing is asking” (Abū Dāwūd)
 - ▣ And we have already seen why this would be the case
 - Because it is not an easy task

Caution Against Book Knowledge

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- Early scholars cautioned against taking knowledge from books alone
 - ▣ “Many scholars of the classical times had, at the time of death, either destroyed their books themselves or instructed others to do so on their behalf
 - This was due to fear that it may end up in the hands of ignorant ones who would not understand its verdicts and would only take the apparent meanings there from” (Khatīb al-Baghdādī)
 - ▣ “In earlier times knowledge was found in the chests of men. Then it was transferred to books, but the keys still remained in the chests of men
 - So a student requires a teacher who will open up for him the discussions and ways of understanding” (Ibn Rushd)
 - ▣ “Ahmad bin Hanbal was requested by the ruler of his time to discuss a certain matter with Ibn Abi Du’ād
 - He turned his face away and said, ‘How can I converse with a person whom I have never seen at the door of any scholar ever!’” (Qādi Iyād)

Disagreement

- Some hold that everyone should take directly from the Quran and sunnah
 - ▣ We have already seen why this is problematic
- Proof of the permissibility of asking others is that the saḥābah would ask one another
 - ▣ Not just take directly from the Quran and sunnah
 - Nor did they ask for proofs
 - Nor did they ask for multiple opinions and choose
 - ▣ If that was the way of the “salaf”
 - Why did they ask one another

From Our Perspective

- Break down people into two groups
 - ▣ Take directly from the Quran and sunnah
 - Scholars
 - Some discussion about which scholars can do this
 - Non-scholars
 - Clear absurdity
 - Or at least not mandatory
 - ▣ Ask others when you do not know
- Main question is then who should we ask

Defining Taqlīd

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- Taqlīd refers to following the legal opinions of a qualified scholar without gaining knowledge of the detailed evidences for those opinions
 - ▣ Based on the conviction that his opinion is based on correct and reliable evidence
- All people of madhhab agree on this
 - ▣ Majority of non-madhhab people do as well
 - Agreement that taqlīd is wājib

Disagreement About Taqlīd

- Disagreement on taqlīd is about one of its two types
 - ▣ Taqlīd shakhsī
 - Following a single scholar or school of thought
 - ▣ Taqlīd ghair shakhsī
 - Following any number of valid scholars
 - “Ask the people of remembrance if you do not know” (Quran 21:7)
 - Does not specify asking only one or a few scholars

Proofs for Taqlīd Shakhsī

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- “The people of Madīnah asked Ibn Abbās concerning a woman who performed tawāf and then entered her menstrual cycle (is she permitted to return home or should she wait till her period passes)
 - ▣ Ibn Abbās replied, ‘She may return’
 - The people said, ‘We will not accept your opinion and leave the opinion of Zaid (bin Thābit)’
 - Ibn Abbās replied, ‘When you reach Madīnah, inquire from him’”
(Bukhāri)

Proofs for Taqlīd Shakhsī

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- Imām Dhahabī responding to Ibn Hazm’s comment
 - ▣ “I follow the truth and perform ijtihād, and I do not adhere to any madhhab”
- “I say yes, whoever has reached the level of ijtihād and a number of imāms have attested to this regarding him, it is not allowed for him to do taqlīd
 - ▣ Just as it is not seeming at all for the beginner jurist who has committed the Quran to memory or a great deal of it to perform ijtihād
 - How is he going to perform ijtihād? What will he say? On what will he base his opinions? How can he fly when his wings have not yet grown?”

Proofs for Taqlīd Shakhsī

- “The second view is it is necessary for him to follow one particular school, and that was the definitive position according to Imām Abu ‘I-Hasan (father of Imām al-Haramayn al-Juwaynī)
 - ▣ And this applies to everyone who has not reached the rank of ijtihād of the jurists and scholars of other disciplines
- The reasoning for this ruling is that if it was permitted to follow any school one wished it would lead to hand-picking the dispensations of the schools, following one’s desires...
 - ▣ This is not the same as during the first generations, for the schools that were sufficient in terms of their rulings for newer issues, were neither codified nor widespread. Thus on this basis it is obligatory for a person to strive in choosing a madhhab which alone he follows” (Imām Nawawī, Sharh al-Muhadhab)

Proofs for Taqlīd Shakhsī

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- Clear majority of scholars for the past 1,000 years followed a madhhab
 - ▣ Although their manifestation of taqlīd would vary with their level of scholarship
- Ibn Rajab ‘I-Hanbalī
 - ▣ “Refutation of Those Who Follow Other Than the Four Schools”
 - ▣ “The Exposition of the Excellence of the Knowledge of the Early Generations over the Knowledge of the Later Generations”
 - Yet there are no classical books with similar titles against madhhab
- Are there proofs that taqlīd shakhsī is wājib
 - ▣ Nothing that is qat’ī

Proofs Against Taqlīd Ghair Shakhsī

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- There are proofs for it from the early generations
 - ▣ But as time went on, many scholars mandated following only one of the four madhhabs
 - The specific proofs against it are not relevant to our discussion

The Real Issue

- Question is who are you more comfortable taking from
 - ▣ Scholars of today who have not had their work vetted
 - Level of scholarship cannot compare to earlier scholars
 - Nor is their usūl known
 - Taken a path which the majority themselves did not
 - Whose state at death is unknown
 - ▣ Scholars whom this ummah have testified to
 - Who are from the salaf
 - Level of scholarship cannot be compared to
 - Who have had their work vetted for 1,000 years
 - Whose usūl is known, documented and discussed
 - Other scholars have followed and recommended following
 - Whose state at death is known and accepted

Safety in the Early Scholars

- Wakī ibn al-Jarrāh responded to someone who claimed Imam Abū Hanīfah had erred,
 - ▣ “How can Abū Hanīfah err when with him are the likes of Abū Yūsuf and Zufar in their logic; and the likes of Yahyā ibn Abī Zā'idah, Hafs ibn Ghiyāth, Hibbān and Mindal in their memorization of hadīth; and the like of al-Qāsim ibn Ma'n in his knowledge of language and Arabic; and Dāwūd al-Tā'ī and Fudayl ibn Iyād in their asceticism and their scrupulousness
 - The one whose companions are such, he does not come close to erring, because if he erred they would correct him”

Safety in the Early Scholars

- “Those who preceded the era of the compilation of these archives were more knowledgeable about the sunnah than those who came afterwards. Their archives were their hearts, the contents of which surpassed the contents of the compiled archives manifold. This is an undisputed fact amongst those who understand this issue” (Ibn Taymiyyah)

Why Can't We All Just Agree

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- Because this dīn was built on flexibility
 - ▣ Example of “seven letters” and the Quran
 - Every room has to have 4 walls, a floor and a roof
 - But after that there is flexibility
- Better question is why can't we all just get along
 - ▣ Something in our base nature restricts us from being tolerant, perhaps the ego
 - Protestants and Catholics
 - Republican and Democrats
 - Pro-life and pro-choice
 - Mac and PC

Common Misunderstanding

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- “When a hadīth is authentic, it is my madhhab”
 - ▣ Directed toward the scholars, not the layman
 - Because an authentic hadīth may be left for other reasons
 - ▣ “This is directed to those who are qualified to examine scriptural texts and distinguish the abrogated from the non-abrogated
 - Hence, when the scholars of the madhhab examine evidence and act upon it, its attribution to the madhhab is sound because it was issued by the permission of the founder of the madhhab, since there is no doubt that if he knew the weakness of his proof, he would retract from it and follow the stronger proof” (Ibn Ābidīn)

Can't Everyone Be Right

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- Do we say another's prayer or hajj is invalid
 - ▣ Not possible to say that one and the same thing, at the same time, regarding the same person could be both lawful and unlawful
 - Example of Asr where the Prophet (sallallahu alaihi wa sallam) confirmed each group
 - But did not say both were correct for each group
 - Decision at Badr regarding the captives
 - ▣ So while we may accept an action as correct for someone else
 - We can still hold that is it not valid for us

Movement Toward Madhhab

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- Prophet (sallallahu alaihi wa sallam)
 - ▣ Wahy and ijtihād
 - Ijtihād of a few sahābah
- Time of the sahābah and tābi'īn
 - ▣ Increase in ijtihād
- Time of the mujtahid mutlaqs
 - ▣ 100s of them
 - The schools of four continue today
- General absence of mujtahid mutlaqs
 - ▣ Continues to this day
 - Choose the best of what is available

Recommended Reading

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- Articles about following madhhab

Questions and Discussion