

The Concept of Taqleed in the Qur'an

http://www.muftisays.com/blog/Seifeddine-M/457_18-10-2010/the-concept-of-taqleed-in-the-qur%27an.html

Verse Number 1:

"O you who believe! Follow Allah; follow the Messenger and those of authority (Amr) amongst you." (Surah Al-Nisaa: 59)

That of authority (Amr) has been explained by some as Muslim rulers while others have viewed them as jurists. The latter view was the opinion of Abdullah ibn Abbas [6], Mujahid, `Ataa ibn Abi Rabah, `Ataa ibn Saib, Hasan of Basra, Abu 'Aliyah and many others (raa). After substantiating the proofs for this second view, Imam Razi gives preference to it and writes:

"So taking those of Amr to mean scholars is more appropriate." [7]

Imam Abu Bakr Jassas position is that there is no contradiction between the two opinions. In fact, both are implied. Rulers should be followed in political matters and jurists should be followed in legal issues. [8]

Imam Ibn Qayyim says that following the rulers is in effect following the scholars since rulers are also required to follow scholars in legal issues. Hence, **"...following rulers is subject to following scholars."** [9]

In short, this verse requires Muslims to follow Allah and His messenger and those scholars and jurists who interpret the primary sources. The legal term for this following is Taqleed. These remain the query regarding the remainder of the verse:

"And if you dispute, then refer it to Allah and the Messenger if you really do believe in Allah and in the Last Day." (Surah Al-Nisaa:59)

Based on the second view of those of Amr (to mean jurists and scholars), the address in the verse would be a separate command to the Mujtahids (the legal experts). Justifying the interpretation of those with Amr as jurists, Imam Abu Bakr Jassas says: **"Allah's statement subsequently "if you dispute..." prove that those of Amr are indeed jurists because He has ordered everyone else to follow them and then proceeded to say that "if you dispute....." Hence Allah has ordered those of Amr to refer the disputed issue to the Book of Allah and the traditions of the Prophet (saw). The Lay person is not a person of knowledge, he is not of this caliber. The lay person would be unaware of how to refer the disputed issue to the Book of Allah and to Sunnah and how their proofs would apply to situations and events. Thus, it is established that the second command, is for the scholars."** [10]

The famous scholar of the Ahle Hadith, Shaykh Nawwab Siddiq Hasan Khan Sahib has also acknowledged that the address in this statement ("**if you dispute....**") is to the Mujtahids. He writes in his Tafseer: **"It is apparent that this is a separate and a new**

address directed towards the Mujtahids." [11]

It is not valid to conclude that those who are inept of Ijtihad should refer directly to Qur'an and Sunnah in disputed issues. In reality, the command in the first part of the verse (to follow those of Amr) is for those people who cannot extract any rules from the Quran and Sunnah directly. They are required to follow the Quran and Sunnah by asking those of Amr (meaning jurists) and following their guidance. The second statement is exclusively for the Mujtahids that is to say disputed issues should be referred to the Quran and Sunnah. The Mujtahids should exercise their skills of legal judgment and extract rules. So there are in fact two commands, the first statement is to those who adopt Taqleed and the second is directed to the Mujtahids to practice Ijtihad.

Verse Number 2:

"And when there comes to them a matter concerning (public) safety or fear, they relay it. If they had only referred it to the Messenger and to those of authority (Amr), those who can investigate and extract (information) among them would know (the rumor's validity)...." (Surah Al-Nisaa: 83)

The background to this verse is that the hypocrites of Madinah would spread rumors regarding war and peace. Simple-minded Muslims would believe these rumors and exacerbate the situation, creating an atmosphere of insecurity and panic in the city. The verse quoted above prevented Muslims from taking this approach and advised them to refer news of war and peace to those of Amr and not to spread rumors. Thus, capable individuals investigating the rumors would be able to reach the truth of the issue and inform others concerned. The role of the lay person was not to take any action except to refer such rumors and reports to those of Amr.

Although this verse was revealed for a specific reason - it is very well established in the principles of Tafseer and jurisprudence that in extracting rules and laws from specific circumstances of revelation, the specific details gives way to the general meaning of the text - such a general principle is contained in the verse quoted above. The principle is that: **Those who do not possess the tools of investigation should refer to those who can. This is precisely Taqleed.**

Imam Razi writes concerning this verse:

"So it is established that Istinbaat [the legal process of extracting rules from the Quran and Sunnah] is a proof. Analogy is either Istinbaat in itself or is included in it. So analogy (Qiyas) should also be a proof. This verse denotes several rules. The first is that there are some incidents and issues, which are not apparent from (Divine) text. The second is that Istinbaat is a proof. The third is that a lay person should follow scholars in the rules of events and in issues." [12]

Certain people have objected to this line of reasoning claiming that this verse is peculiar to the state of war and should not be analogous to a state of peace. [13] A response has already been furnished previously to this question that specific circumstances of the

verse extend to the general principles of the verse.

Imam Razi writes:

"Allah's statement: `And when there comes to them a matter....' Includes all affairs relating to war and to any other incident relating to Islamic Law. This is because the states of war and peace include very legal command. Hence there is nothing in the verse which restricts the command to the state of war only." [14]

Imam Abu Bakr Jassas has also given a similar detailed answer to this question, he has also refuted many doubts which relate to this question. [15] This is the reason why the famous scholar of the Ahle Hadith, Nawwab Siddiq has allowed Qiyas (analogy) giving his reasoning based on this verse:

"There is a hint in this verse to the permissibility of Qiyas and that there are some issues of knowledge which can be perceived by intellectual deduction." [16]

If there is no guidance in the verse regarding the state of peace, how would substantiating Qiyas from the verse be permissible?

Verse Number 3:

"....If a contingent from every expedition remained behind in order to understand religion (Deen), and so that they could admonish their people when they return to them (from war) that thus they (may learn to) guard themselves (against evil)." (Surah Al-Taubah : 122)

The verse supports that not all Muslims should go out and become preoccupied in jihad. There should be a group who devote themselves exclusively to learning and understand Deen so that they can teach Islamic rules and regulations to those who are not able to dedicate themselves to learning. This verse has ordered those who learn and understand, to impart knowledge of Islamic law to others and it has also instructed others to act upon the instructions to avoid the disobedience of Allah.

Imam Abu Bakr Jassas comments on this verse:

"So Allah has commanded people (who do not learn) to take heed of the scholars' warnings and to act upon their advice." [17]

Verse Number 4:

"....So, if you do not know, ask those of remembrance." (Surah Al Nahl:43)

There is an academic principle in this verse, which is that those who are not experts in a field should resort to seeking advice from those who are and act accordingly. Shaykh Aloosi writes in the commentary of this verse:

"This verse has been used to prove that referring to scholars is necessary in cases where one does not have knowledge of the issue in question. Imam Suyuti in his `Ikleel' writes that this verse has been used to prove the point that the lay person may follow another

Imam [Make Taqleed of] in details of Islamic Law." [18]

The question often raised concerning this verse is that it pertains to a specific incident; the polytheists denied the prophethood of Muhammad sallallahu alaihi wa sallam and they would mockingly request as to why no angel was sent as a Messenger. In reply the following verse was revealed:

"And We have not sent anyone before you except that they are men (humans) to whom We revealed. So, if you do not know ask those of remembrance."

(Surah Nahl : 43)

Some commentators take '**.... Those of remembrance (Dhikr)**' to mean the scholars of the People of Book. Others claim that it refers to the people of Book who were present during the era of the Prophet. Few other scholars believe it is in reference to the 'Ahle Quran' [People of the Quran], the Muslims. Whatever the meaning of the verse people were aware of the fact that Prophets were human beings and not angels.

It is claimed that in this context of the verse has no relation with Taqleed or Ijtihad. However, Taqleed is implied in this verse. The command to '**...ask those of remembrance**' implies the principle that '**every unlearned person (or non-expert) should refer to the one who knows.**' The verse directs towards following qualified scholarship and a case of Taqleed is clearly established from this verse. The salient principle while interpreting the Quran and Sunnah is that '**the consideration for the general meaning of the text is not limited to its specific background incident.**' Although the specific background incident pertains to the polytheists of Makkah, the unrestricted wording of the verse is still applicable and considered.

Khatib Al-Baghdadi writes:

"As for the question; who is allowed to follow (and make Taqleed)? It is the lay person who does not have the tools to understand the laws of Islam. The lay person is allowed to follow a scholar and act upon his advice. Allah says:

"So, if you do not know, ask those of remembrance."

After quoting this verse Khatib has narrated with his chain of narrators from Amr bin Qais that **in this verse, ".... Those of remembrance" are those of knowledge.** [19]

Notes:

6 This explanation of Abdullah ibn Abbas has been narrated from Mu'awiyah ibn Salah from Ali ibn Talha which is regarded as a very sound chain (Ibn Jarir Vol. 5 Page 88 c.f. Al-Itqaan: Number 80)

7 Tafseer Kabir: Vol 3, page 334

8 Ahkaamul Qura'n, by Jassas. Vol.2, page 256

9 'Ilaamul Muqi'een, by Ibn Qayyim. Vol.1, page 7

10 Ahkaamul Qura'n vol. 2, page 257

11 Tafseer of Fathul Bayan - vol. 2 , page 308, printed by Al-'Asimah, Cairo

12 Tafseer Kabir - vol. 3, page 272

13 Tahreeke Azadi Fikr, by Maulana Muhammed Ismail Salfi - page 31

14 Tafseer Kabir - vol. 3, page 273

15 Ahkamul Qura'n, by Jassas - vol. 2 page 63

16 Tafseer of Fathul Bayan, by Nawwab Siddiq vol. 2, page 33

17 Ahkamul Qura'n, by Jassas - vol. 2 page 262

18 Ruhul Ma'ani - vol. 14, page 148

19 Al-Faqih wal Mutafaqqih, by Khatib of Baghdad - vol. 2, page 68, printed by Darul Iftaa, Saudi Arabia, 1389 Hijri