

The Majority Of Ulama On Taqleed Shakhsi (Specific Taqleed)

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As impiety and following of desires became more common, the scholars became more unequivocal of the obligation of following one school exclusively.

However, some opponents go to the absurd extremes of considering taqlīd of any kind to be unlawful, saying that it is in fact the duty of every muslim to derive for himself all the detailed rulings from the Holy Qur'ān and Sunna. One of the reasons they succeed in getting people to believe such baseless and outlandish claims is because they falsely give the impression that this is also the view held by most of the great Islāmic scholars in the past. The actual position of the classical scholars of Islām however, as proven by the quotes below, is very different to this. Even a greatly relied-upon scholar by such claimants, namely the late Shaykh muḥammad ibn Sa'ād al-Uthaymīn (رحمه الله) has stated clearly in his Al-Usūl min 'ilm al-Usūl that the layman must do taqlīd of the scholars. In his recorded lectures of the same text, he says that **for the average muslim to try to delve into the Holy Qur'ān and Sunna in order to deduce rulings is like a person who has not learnt how to swim swimming in the sea. It will only lead to his destruction.**

Another view which is not as dangerous as the first but none-theless problematic is that it is permissible to follow any scholar, be he from outside the four accepted schools. Thus, the quotations gathered below have intentionally not been restricted to proving that taqlīd shakṣī is obligatory, although the vast majority of these quotes will establish that **most of the scholars of Ahl al-Sunna wa 'l-Jamā'a held taqlīd shakṣī in particular to be obligatory.** The scholars we shall mention are such authorities in the sacred knowledge of the Dīn that it is not unreasonable to assume that this is also the view of their many eminent teachers, students and learned muslims in general.

1) Imām Dhahabī (رحمه الله) writes in Siyar A'lam al-Nubalā under Ibn Hāzīm Zāhirī's (رحمه الله) comment, "I follow the truth and perform ijtihād, and I do not adhere to any madh'hab", "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 layman jurist who has committed the Qur'ān 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?**" (vol.18, pg.191)

2) Imām Ibn al-Humām (رحمه الله), author of many unique works in jurisprudence and creed, records the view of the Ḥanafī scholars in Fathā al-Qadīr, his commentary of Al-Hidāya: **"(As for the layman) it is obligatory for him to do taqlīd of a single mujtahid...The jurists have stated that the one who moves from one madh'hab to another by his ijtihād and evidence is sinful and deserves to be punished. Thus, one who does so without ijtihād and evidence is even more deserving."** (Fathā al-Qadīr, vol.6 pg.360)

3) Imām Nawawī (رحمه الله) says in Al-Majmū' Sharḥ al-Muhadh'dhab: **"The second view is that is**

obligatory for him to follow one particular school, and that was the definitive position according to Imām Abū 'l-H+asan (الله رحمه) (the father of Imām al-H+aramayn Al-Jawānī). And this applies to everyone who has not reached the rank of the ijtihād of the jurists and scholars of other disciplines. The reason for this ruling is that if it were permissible to follow any school one wished, it would lead to hand-picking the dispensations of the schools and following one's desires. He would be choosing between h&alāl and h&arām, and obligatory and permissible. Ultimately, that would lead to relinquishing oneself from the burden of responsibility. 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 only one madh'hab which he follows.” (Al-Majmū' Sharh& Al-Muhadh-dhab, vol.1 pg.93)

4) Imām Sha'rānī (الله رحمه), an undisputed authority in the Shāf'ī school, writes in Al-Mīzān al-Kubrā: “...you (O student) have no excuse for not doing taqlīd of any madh'hab you wish from the schools of the four imāms, for they are all paths to Heaven...” (Al-Mīzān al-Kubrā, vol.1, pg.55)

5) Shaykh S&ālih+ al-Sunūsī (الله رحمه) writes in Fath& al-'Aliyy al-Malik fī 'l-Fatwā 'alā Madh'hab al-Imām Mālik: “As for the scholar who has not reached the level of ijtihād and the non-scholar, they must do taqlīd of the mujtahid...And the most correct view is that it is obligatory (wājib) to adhere to a particular school from the four schools...” (Fath& al-'Aliyy al-Malik fī 'l-Fatwā 'alā Madh'hab al-Imām Mālik, pg.40-41)

6) In Tuh&fat al-Muh&tāj fī Sharh& al-Minhāj, Shaykh al-Islām Ah&mad Ibn H+ajar al-Haythamī (الله رحمه) writes: “The claim that the layman has no madh'hab is rejected, rather it is necessary for him to do taqlīd of a recognised school. (As for the claim: scholars did not obligate following one school), that was before the codification of the schools and their establishment.” (Tuh&fat al-Muh&tāj fī Sharh& al-Minhāj, vol.12 pg.491)

7) In the famous twelve-volume mālikī compendium of fatwās, Al-Mi'yār al-Mu'rib 'an Fatāwā Ahl al-Ifrīqiyya wa 'l-Undulus wa 'l-Maghrib, Imām Ah&mad al-Wanshirīsī (الله رحمه) records the fatwā on taqlīd: “It is not permitted for the follower of a scholar to choose the most pleasing to him of the schools and the one that agrees with him the most. It is his duty to do taqlīd of the imām whose school he believes to be right in comparison to the other schools.” (vol.11 pg.163-164)

8) The great authority in us*ūl, Imām āmidī (الله رحمه) writes in Al-Ih+kām fī Us&ūl al-Ah&kām: “The layman and anyone who is not capable of ijtihād, even if he has acquired mastery of some of the disciplines ('ulūm) related to ijtihād, is obligated with following the positions of the mujtahid imāms and taking their juristic opinions, and this is the view of the experts from the scholars of the principles (al-muh&aqqiqūn min 'l-us*ūliyyīn). It was the mu'tazilites of Baghdad who prohibited this, except if the soundness of his ijtihād becomes clear to him.” (vol.4 pg.278)

9) Imām Zāhid al-Kawtharī (الله رحمه), Hānafi jurist and senior juridical advisor to the last Shaykh al-Islām of the Ottoman Empire, wrote in an article against the growing modern trend of non-madh'habism, entitled Al-Lā Madh'habiyya Qant*arat al-Lā Dīnīyya (Non-madh'habism is a bridge to

non-religion): **“Those who call the masses to discarding adherence to a madh’hab from the madh’habs of the imāms who are followed, whose lives we briefly mentioned in what has passed, will be of two groups: those who consider that all the derived opinions of the mujtahid are right, such that it is permissible for the layman to follow any opinion of any mujtahid, not restricting himself to the opinions of a single mujtahid whom he selects to be followed. This way of thinking is of the mu’tazilites. The (second group) are the S*ūfīs who consider all the mujtahids to be right, in the sense that they seek out the hardest opinions from their positions without confining themselves to following one mujtahid.”** (published in Al-Maqālāt al-Kawtharī, pg.224-225)

10) In the commentary of the Shāfī text Jam’ al-Jawāmi’, Imām Al-Jalāl Shams al-Dīn al-mahallī (رحمه الله) writes: **“And the soundest position is that it is obligatory for the non-scholar or layman and those besides them (i.e. scholars) who have not reached the rank of ijtihād to adhere to one particular school from the madh’habs of the mujtahid imāms (iltizām madh’haban mu’ayyanan min madhāhib al-mujtahidīn) which he believes to be preferable over another school or equal to it.”** (Kitāb al-Ijtihād, pg.93)

11) Imām Rashīd Ahmad Gangohī (رحمه الله), the great jurist of the 19th century, writes in Fatāwā Rashīdiyya: **“When the corruption that comes from non-specific taqlīd (taqlīd ghayr shakhsī) is obvious - and no one will deny this provided he is fair - then when specific taqlīd is termed obligatory due to an external factor (wājib li-ghayrihī) and non-specific taqlīd is termed unlawful, this will not be by mere opinion, rather it is by the command of Allāh’s Messenger (عليه السلام), for he commanded that removing corruption is an obligation upon every individual.”** (pg.205)

13) Imām ‘Abd al-Hāy al-Lakhnawī (رحمه الله) writes in his Majmū‘at al-Fatāwā, after mentioning the various views of the scholars on taqlīd: **“On this subject, the soundest view is that laymen will be prevented from such (choosing) of different opinions, especially the people of this time, for whom there is no cure besides following a particular madh’hab. If these people were allowed to choose between their madh’hab and another, it would cause great tribulations.”** (vol.3 pg.195)

14) Imām Ibn Rajab al-Hānbalī (رحمه الله) writes in his book, Al Rad ‘alā Man ittaba’a Ghayr al-Madhāhib al-Arba’a: **“...that is the mujtahid, assuming his existence, his duty is to follow what becomes apparent to him of the truth. As for the non-mujtahid, his duty is taqlīd.”** (pg.6)

15) In the renowned mālikī text, Marāqī’ al-Sā’ūd, it states: **“(Taqlīd) is necessary for other than the one who has achieved the rank of absolute ijtihād, even if he is a limited (mujtahid) who is unable (to perform absolute ijtihād)”** (pg.39). He further writes: **“Every school from the schools of the (four) mujtahids is a means that conveys one to paradise.”**

16) In one of the most authoritative juristic commentaries of the Holy Qur’ān, Al-Jāmi’ li-Ahkām al-Qur’ān, Imām Qurtubī (رحمه الله) writes in commentary of the seventh verse of Sura Anbiyā: **“The scholars did not disagree regarding the obligation of non-scholars (al-‘amma) to do taqlīd of their scholars, and they are meant in the verse: 'Ask the people of remembrance if you do not know.' The scholars by consensus stated it is necessary for one who is blind to do taqlīd of someone who**

will inform him of the direction of the qibla if it becomes difficult for him. Similarly, one who does not possess knowledge or insight regarding the teachings of the Dīn, it is necessary for him to do taqlīd of the scholar who does.” (vol.11 pg.181)

17) It is stated in Al-Misbāh fī Rasm ‘I-Mufī wa Manāhij al-Ifā that the internationally renowned jurist Mufti Taqi Usmani (ا لله ح فضه) says: **“The sound view, by which the majority of the scholars abide, is that it is obligatory for all who have not reached the rank of ijtihād to adhere to a particular school from the four well-known, codified and definitively transmitted schools. This is in order to regulate a person’s actions and control his worldly dealings in a way that protects from confusion and errors, fulfilling the compelling need.”** (vol.1, pg. 251-252)

18) Shaykh muḥammad ibn Sa‘ālih & ‘Uthaymīn (ا لله رحمه) writes in his Al-Usūl min ‘Ilm al-Usūl in the chapter on taqlīd: **“Taqlīd takes place in two places; the first is that the person doing taqlīd be a layman, incapable of discerning the ruling by himself, so his duty is to do taqlīd due to the statement of Allāh Ta‘āla: Ask the people of remembrance if you know not (Sura Nah&l: 43).”** (pg.68)

Shaykh muḥammad ibn Sa‘ālih & ‘Uthaymīn (ا لله رحمه) also outlines in the preceding chapter what is required for a person to be capable of deducing rulings from the sacred texts, in other words the prerequisites of ijtihād. He records six conditions, the first of which is the condition of encompassing all the verses and ḥādīth on the subject. *This would at the very first hurdle lose most of us who have not learnt, let alone mastered, the Arabic language. Translations can never convey the linguistic intricacies, rhetorical devices and semantic nuances of the original Arabic, and furthermore a vast number of the ḥādīth collections have yet to be translated into English.*

(Understanding Taqleed: Following One Of The Four Great Imams, Mufti Muhammad Sajjad)