

The Nature Of Taqleed

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No Muslim can deny that Islam's real message is to obey Allah alone. Emphasis has been placed upon following the Prophet Muhammed sallallahu alaihi wa sallam because he represented Allah's commandments through his words and actions. Allah and His Messenger have to be unequivocally followed in what is halal (permissible) and what is haram (forbidden): what is allowed and what is not. Whoever believes in following anyone besides Allah and His Messenger and regards that person as independent (of Allah and His Messenger) is surely outside the fold of Islam. Thus, every Muslim should attempt to follow the commandments of the Qur'an and Sunnah (the traditions and norms of the Prophet sallallahu alaihi wa sallam). There are certain commandments in the Qur'an and Sunnah which a lay person can understand. Such commandments are not intricate, ambiguous or contradictory. Understanding these commandments and their implications can be effortlessly achieved without confusion. For instance, Allah says:

"Do not back bite" (Surah Al-Hujuraat: 12)

Anyone familiar with the Arabic language will immediately understand the verse, since there is no ambiguity in the statement, and nor does it clash with any other Islamic value it is readily understood.

Likewise, the Prophet sallallahu alaihi wa sallam said: **"There is no preference of an Arab over a non-Arab"**

This Hadith is also clear and uncomplicated. A rudimentary knowledge of Arabic would enable its understanding. Conversely, there are many commandments in the Qura'n and Sunnah which are ambiguous. In fact, there are some statements which seem to contradict other verses of the Qura'n or a Hadith. For Example, the Quran says:

"And those women who are divorced should wait for three 'Quruu'."

(Surah Al-Baqarah:228)

The verse has stipulated that the waiting period for a divorced woman, in order to remarry, is three 'Quruu'. The word Quruu in the Arabic language is used to denote both the monthly menstruation period (Haydh) and the time in between the monthly period (Tuhr). If the former meaning were taken, then the rule would be that a divorced woman should wait for three monthly menstruation periods (Haydh) to elapse. If the later meaning is taken, the rule would be that the divorced woman should wait until three months in between her monthly menstruation period (Tuhr) have expired. The question is which one of these two meanings applies. Similarly a Hadith of the Prophet sallallahu alaihi wa sallam says:

"Whoever does not stop the practice of Mukhabarah should hear the proclamation of war (against him) for Allah and His messenger."

Mukhabarah is a specific kind of farming in which a landlord makes an agreement and a farmer, who is hired by him, to cultivate his land. The agreement stipulates the amount of produce, which is to be divided by each party. There were several forms of Mukhabarah practiced during the time of the Prophet sallallahu alaihi wa sallam. This particular Hadith is brief and vague as to which particular kind of Mukhabarah is forbidden.

The Prophet sallallahu alaihi wa sallam said in another Hadith:

"Whoever has an Imam, then the Imam's recitation is his recitation." [1]

This seems to indicate while the Imam is reciting in salaah, the follower should remain silent. However, another Hadith says:

"There is no salaah for he who does not recite Surah Al-Fatiha." [2]

This seems to indicate that everyone should recite Surah Fatiha. The question arises whether the first Hadith should be taken as the primary source referring to the Imam or the one who offers salaah individually and the second Hadith explained as a corroborating evidence; or should we make the second Hadith the base and that the first Hadith refers to the Imam's recitation after he recites Surah Fatiha.

Needless to say from the above examples, the process of extrapolating rules from the Qura'n and Sunnah can be complicated. One solution is that we exercise our understanding and insight in such issues in order to make our judgments and rulings. Another solution could be that instead of making independent rulings ourselves, we look into what the predecessors ruled concerning these issues. After investigating the opinions of the scholars whom we know to be more qualified and more adept in these issues than ourselves, we rely on their understanding and insight and act according to their rulings. If we consider with fairness, from the two options (mentioned above), the former option (of exercising our own understanding) is fraught with difficulties, which will be examined later. The second option (of relying on the opinion of a scholar from the past) is much more cautious. This is so not merely because it seems like a humble approach but because it is an undeniable reality that we have very little resemblance with the scholars of the first Muslim era. We fall short of their knowledge, understanding, intelligence, memory, morals and piety. In addition, the scholars of the first era were close to the environment and time when the Qura'n was revealed which allowed understanding the Qura'n and Sunnah in its entirety. We, on the contrary, are so distant from the time when the Qura'n was revealed that we are not disposed to a comprehensive understanding of the Qur'an's background, to its environment, the social norms of that time and to the language of that era. The factors listed above are indispensable if anyone is to understand the Qura'n and Sunnah.

After considering all of these points, if we do not rely upon our own understanding but instead follow the opinion of a scholar of the past in matters which are ambiguous or complicated, then it will be said that we are following, or making Taqleed of that scholar. This is the essence of Taqleed. Taqleed of an Imam or a Mujtahid is only valid in areas where understanding a rule of the Qura'n and Sunnah is difficult or complicated, regardless of whether this is because an additional meaning may be drawn from the text or there is some intricacies in the text, or even if there seems to be a certain

contradiction in the text. An absolute and conclusive text where there exists no ambiguity, brevity or apparent contradiction in the text of Quran or Sunnah, there is no Taqleed of any Imam or Mujtahid. The famous Hanafi jurist, Shaykh Abdul Ghani Al-Nablusi states: **"The issues which are agreed upon - without any doubt and by necessity - do not require any Taqleed of any of the four Imams like the obligation of Salaat, Fasting, Zakaat and Hajj, etc. and like the prohibition of adultery and fornication, drinking wine, murder, stealing and usurping. The issues which are debated are the issues where Taqleed becomes necessary."** [3]

Shaykh Khatib Al-Baghdadi writes:

"As far as the Islamic rules are concerned, there are of two types. The first are those which are known by necessity to be part of the Deen of the Prophet sallallahu alaihi wa sallam like the five prayers, Zakaat, fasting in Ramadhan, Hajj; the prohibition of adultery, wine and so on. Taqleed is not allowed in these issues since they are such that everyone should know and understand. The second type are those rules which need to be understood and extrapolated such as the details of the rituals of worship, transactions and weddings, for example, Taqleed is allowed in these issues since Allah says:

"So ask the people of remembrance if you know not." (Surah Al-Nahl: 43)

If Taqleed was not allowed in these issues it would mean that everyone would have to learn these particulars (directly). This would cut off people from their work and livelihood; ruin crops and destroy cattle. Thus, this requirement [of learning these details] should be dropped." [4]

The statements above clarify that following an Imam or a Mujtahid does not entail believing the Mujtahid to be an independent source of law (Shari'ah), who has to be followed in totality. Rather the idea is that the Quran and Sunnah should be followed, however, a particular Imam's understanding of the Qura'n and Sunnah is being followed. The Mujtahid is regarded as a commentator of the law and his interpretation is held as authoritative. This is why, Taqleed is not an issue in those rules, which are conclusive since the purpose of following Allah, and His Prophet sallallahu alaihi wa sallam is readily achieved without Taqleed. The Imam whose opinion is followed is regarded as an interpreter and not a lawmaker is in fact implied in the meaning of the word Taqleed itself. Ibn Humam and Ibn Nujaim, both define Taqleed thus:

"Taqleed is to follow the opinion of a person - whose opinion is not a proof in Islamic law without asking for his [the person followed] proof." [5]

This statement has clarified the fact that a person who practices Taqleed (the Muqallid) does not hold the opinion of the one whom he follows (the Mujtahid) as a source of Islamic law because the sources for Islamic law are confined to the Qura'n and Sunnah (both Ijma and Qiyas [analogy] are derived from the Qura'n and Sunnah). The only reason why a Muqallid follows an Imam is because of the conviction that the Mujtahid has insights into the Qura'n and Sunnah (which he, the follower, does not possess) by which the Mujtahid is able to understand their meanings, in this regard the follower has relied upon the Imams' opinion. Perceived in this perspective Taqleed cannot in all fairness, perceived be equaled with shirk nor blind following. Believing that the Imam (Mujtahid) is a lawgiver

and maker and to regard obedience to him as binding, this is most definitely an act of Shirk. To believe one as an interpreter of the law and trust his opinion rather than one's own is necessary, if one has not reached the level of a Mujtahid and indispensable in this age of scholastic bankruptcy.

Resorting to the Mujtahid (legal expert) is necessary to understand the complex interpretations of the Qur'an and Sunnah. Thus, there are no grounds to accuse those who practice Taqleed of following the Imams of Ijtihad rather than the Qur'an and Sunnah, rather Taqleed facilitates the following of the Qur'an and Sunnah.

Notes:

1 Muwaata of Imam Muhammed, Page 96

2 Bukhari Vol. 1, Hadith no. 723

3 Khulasataul Tahqeeq fi Hukm at-Taqleed wa at-Talfeeq - page - 4 printed by Al-Yasheeq, Istanbul

4 Al-Faqih wal Mutafaqqihah - page 67, vol.2 printed by Darul Iftaa, Riyadh, Saudi Arabia 1389

5 Tayseerul Tahreer by Amir Badshah Bukhari - page 246, vol. 4 printed in Egypt 1351 and Fathul Ghaffar, the commentary on Al-Manar, by Ibn Nujaim - page 39, vol 2 printed in Egypt 1355