

The Need For Following A Particular Imam

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The Taqleed Of An Individual

May Allah have mercy on the scholars who saw that there was a need to demarcate the practice of Taqleed. For reasons of administration and to avoid the possibility of contradictions amongst the scholars of differing Ijtihad over a primary source, the laity were encouraged to follow only one Imam and Mujtahid instead of referring to several. This idea gained hegemony during the third and fourth century AH.

Hence, this has been the dictum of the vast majority of the Ummah for subsequent centuries, and scholars themselves have conformed to Taqleed of a particular Imam. In order to understand the reasons and benefits of the systemization of fiqh, the following premise has to be comprehended: following one's desires and passions is a very grave form of misguidance. Following desires and passions in itself is a grave sin, however there still remains the prospect that such people may repent. Following desires and passions to the extent that they believe what is halal to be haram and what is haram to be halal is disastrous. Disobedience of this nature is fatal and makes religion and law a mere sham. These people are submerged in a sin, which is far more serious and fatal than that of the first group. The door to such evil obviously has to be avoided, as does the path, which facilitates it. This is an established principle in Usool ul Fiqh (principles of jurisprudence). The jurists were concerned at the decay of piety and devoutness amongst the Muslim populous, devoutness being the norm during the time of the Companions.

They feared that subsequent generations scruples would not be as elevated as the generation of the first three generations (Salaf). If under these circumstances, the door of following an Imam in general were unconditional inadvertently desires would become the commanding principle. For example bleeding expiates wudu according to Imam Abu Hanifa, but not according to Imam Shafi'ee. For the sake of convenience and ease a person who usually follows Imam Abu Hanifa, may choose to follow Imam Shafi'ee's opinion and offer salaah in this condition, which according to the Hanafis is not valid because he is without wudu. However touching a woman would invalidate his wudu according to Shafi'ees and does not according to Imam Abu Hanifa. According to both schools of jurisprudence (Hanafi and Shafi'ee) such a wudu is expiated and no school would accept Salaah of such a person as valid.

A person left freely to adopt the view which suited him best and abandon the Fatwa which did not meet his "standards" of comfort begs the question upon what basis is the "non-scholar" to choose between two contrary Fatwas if not ones own nafs (desires). It is clear that this line of action would result in people using Islamic law as a triviality to entertain the lower self. No Muslims scholar of any repute has validated this kind of practice.

Imam Ibn Taymiyah discussed the deception of this approach and wrote: **"Imam Ahmed - among others - have categorically stated that it is not befitting for anyone to deem something haram at**

one time and then deem the same thing halal at another - merely on whim and fancy. For example, it is not proper for someone to believe that the neighbour has the right of preemption (when someone is buying his neighbour's house) and then, when he wishes to sell his house to a non-neighbour declines to give his neighbour the right of preemption. Likewise, it is not proper for one to believe that a brother should inherit when the grand-father of the deceased is alive and when he becomes a grand-father he denies the brother of the deceased his share of the inheritance....So this kind of person who deems that something is permissible or forbidden, necessary or unnecessary merely because of whims and fancies is condemned and outside the boundaries of a just [reliable] person. Imam Ahmed and others have categorically stated that this practice is not permissible." [67]

Ibn Taymiyah continues: "**They follow - at one point in time - those scholars who see the marriage as void and at another point of time; they follow those scholars who say that the marriage is still intact merely because of vested interest and desires. This kind of practice is not allowed according to the unanimous opinion of the Imams. An example of this is that the man considers the right of preemption to be valid for a neighbour when he is buying and not valid when he is selling. This is not allowed by Ijmaa' (the consensus of the Ummah). Likewise, it is not allowed to believe that the patronage of a sinner is valid when he gets married and considers the same patronage to be invalid when he decides to divorce. And even if the one seeking the Fatwa claims that he did not know about the differences of opinion, he would not be given any discretion since that would open the doors of playing with religion and would open many avenues of permitting and forbidding based on fancies and desires.**" [68]

Subservience to desires and assuming something to be permissible or forbidden based on personal fancy is such a colossal crime that no scholar has allowed it. The Quran and Sunnah are replete with proofs for this argument. However, we have sufficed with Ibn Taymiyah's quotes since he is highly regarded even by those who do not believe that following a particular Imam is valid. Ibn Taymiyah himself believed that following a particular Imam was not permissible, but despite that, he did not subscribe to the idea that a person can follow an Imam based on his fancies and desires. In fact, he said that it was not allowed by the consensus of the Ummah.

During the times of the Companions and their followers, the fear of Allah and the Hereafter was so prevalent that absolute Taqleed (Taqleed in general) did not pose a threat to the kind of behavior elucidated above. For this reason people followed different scholars at different times and this was deemed to be praise worthy and totally acceptable. However with each succeeding generation the level of piety dwindled and the likelihood of succumbing to ones desires greatly increased. Scholars and jurists concerned at the degenerating circumstances issued a general Fatwa based on public interest, asserting that Taqleed is restricted to a particular Mujtahid Imam only. Absolute or general Taqleed should be abandoned. This was by no means an irrevocable Islamic statute but rather it was a legal opinion dictated by the demands of the time and the needs of the Muslim community.

Imam Nawwawi, the commentator of Muslim explains the necessity of following a particular scholar in the following words: "**The reasoning for this is that if following any school of thought was allowed, it would lead to people hand-picking the conveniences of the schools in order to follow their desires. They would choose between halal and haram and between necessary and**

permissible. This would lead to relinquishing the collar (burden) of responsibility, this was unlike in the early days of Islam where the schools of thought were not readily available, nor were they structured or known. So based on this reasoning, a person should strive to choose one school of thought which he follows precisely." [69]

We can elaborate upon Imam Nawwawi's statement that opening the doors to this kind of practice would lead to confusion regarding the distinction between halal and haram. Since the era of the Companions, until now there have been thousands of scholars and Mujtahids who have had very diverse and disparate opinions and concessions concerning different issues. There will always be concessions in one school of thought, which are not found in another, regardless of the fact that these were great jurists, they were not immune from errors. In fact, every Mujtahid has one or two opinions, which go against the whole Muslim Ummah's position (Jumhoor). Allowing Taqleed in general (following any and every Imam) will inevitably result in what Imam Nawwawi has termed **"relinquishing the collar of responsibility."**

For example, Imam Shaf'iee allows chess; Imam Abdullah ibn Ja'far (apparently) allowed singing with musical instruments [70]; Imam Qasim ibn Muhammed allowed pictures which did not have any shadows [71] ; Imam 'A'amush held the opinion that fasting started with sunrise and not at dawn [72]; 'Imam Ataa ibn Abu Rabaah maintained that if Eid fell on a Friday, both the Friday prayer and the Afternoon (Zuhr) prayers would be dropped and there would be no salaah until 'Asr [73]; Imam Dawood Tai and Ibn Hazm both believed that a person could see his potential fiancée in the nude [74] and Imam Ibn Sahnun has supposedly allowed anal intercourse. [75] There are numerous instances in the books of Fiqh and Hadith which corroborate following every Imam would give rise to a new school of thought based on carnal desires and the devil's temptations, making a mockery out of religion in this manner is not permissible.

Thus Ma'mar wrote: **"If a man took the opinion of the people of Madinah with regards to music and anal intercourse; the opinion of the people of Makkah regarding Mut'ah (temporary marriage) and barter and the opinion of the people of Kufa regarding intoxicating drinks, he would be the worst of Allah's servants."** [76]

Despite being the worst-case scenarios, the above instances demonstrate the possibility of the abuse of the concept of Taqleed in general (following all Imams indiscriminately). The jurists following the first three golden generations advised that Taqleed should be exclusive only to a particular Imam avoiding the ambush of following one's desires and passions.

Shaykh Abdur Raouf Manawi has discussed this issue at length and has quoted Shaykh Ibn Hamam: **"It is most probable that these types of restrictions are to prevent people groping for conveniences."** [77]

Shaykh Abu Ishaq Shatibi, the great Maliki jurist has outlined the reasons for not allowing people to search for conveniences by following different schools in his famous work Al-Muwafiqaat. He discusses the various inequities which would arise in such cases and in fact, he has cited several examples to show how those who followed other schools because of selfish desires merely did so to satiate their own selves. In this context, he quotes the famous Maliki scholar, Shaykh Mazari who

refused to give a Fatwa against the accepted Fatwas of the Maliki School on one occasion.

The scholar asserted: **"I am not amongst those who prompt others to act against what is known and popular from the school of Malik and his Companions. This is because piety along with God-consciousness are almost non-existent. Desires have multiplied as well as those who claim stake to knowledge and audaciously plunge into offering Fatwas. If the door to go against the prevailing school of thought is opened for them, there will be irreparable damage done. They will violate the cover of respect for following the school [meaning they will stop following]. This is amongst the inequities that are obvious."** [78]

Shaykh Shatibi comments on this reasoning: **"Note how this Imam - whose credentials were universally recognised - refrained from giving a Fatwa contrary to the prevailing opinion in the Maliki School. This was based on the necessary principle of public interest since many who claim to be knowledgeable and issued Fatwas fell short in piety and God-consciousness. The examples have been quoted earlier. If this door remained opened the whole of the Maliki school - in fact all the schools - would disintegrate."** [79]

Shaykh Ibn Khaldoun explained why Taqleed prevailed: **"The Taqleed of four Imams became popular throughout Muslim cities and the Taqleed of other scholars was forsaken. The doors of diverse opinions were closed because so many academic terms were being used to denote so many different concepts and because it had become so difficult to reach the stage of a Mujtahid. There was the apprehension that the title of Mujtahid be attributed to one who was not worthy, or someone who is inauthentic (and cannot be trusted) in his opinion and in his religious practice. Scholars declared that attaining the stage of a Mujtahid was not possible and restricted people to follow a particular Imam. They prevented people from following Imams alternately as this was tantamount to playing [with Islam]."** [80]

In brief, the level of piety and God-consciousness during the era of the Companions was intense. Pursuing desires and passions was the exception rather than the norm during that era, thus anxiety that desires would overcome the populous in matters of Islamic law was non-existent. Both types of Taqleed were practiced in that era - the Taqleed of an individual and Taqleed in general. The foreboding possibility that desires would become the leading principle governing the selection of Fatwas and not piety was a real one. To avoid this it was decided that Taqleed be necessarily restricted to following one particular Imam. If this was not implemented, imagination is the limit to the chaos and turmoil that would be inflicted upon Islamic law.

Shah Waliyullah wrote: **"You should know that people - during the first two hundred years - were not restricted to follow one particular Imam. During the third century, the concept of following one particular Imam emerged. There were very few scholars who did not rely upon the opinion of a single Mujtahid and Imam. This was the necessary approach for them at that time."** [81]

A question might arise from this analysis: How can something that was not necessary during the times of the Companions and their followers become necessary for people who came after them? An eloquent reply has been offered by Shah Waliyullah himself: **"It is mandatory that there should be someone in the community (Ummah) who knows details of particulars rules and laws with their**

reasoning and proofs. The people of truth have unanimously agreed to this premise. A science or action which is necessary to fulfill a mandatory action also becomes mandatory in itself. For example, the predecessors did not write the sayings of the Prophet sallallahu alaihi wa sallam, Today writing and documenting Hadith has become necessary, because the only way we can know and learn Hadith is by knowing the books of Hadith. Likewise, the predecessors did not engage in studying syntax and etymology. Because their language was Arabic, advanced study of these ancillary sciences was not required. Today, learning these sciences has become mandatory since the language has drifted considerably from the original language of Arabic. Based on this account, one must draw an analogy for proving that following one particular Imam and Mujtahid is sometimes necessary and sometimes not necessary." [82]

Based on this account, he later explained: "If there is an ignorant person in India or in Central Asia where there are no expert scholars on Shafi, Maliki or Hanbali law, and if there are neither any books of those schools readily available, then this person must follow the school of Imam Abu Hanifa. It would not be permissible for him to leave that school because he would be effectively exonerating himself from the duties of Islam. He would be an anarchist. This would not be the case for a person who lived in the Two Sanctified Mosques [Makkah and Madinah where scholars of the three other schools would be readily available]." [83]

Shah Waliyullah hinted toward the chaos and corruption which was prevented by restricting Taqleed to one Mujtahid: "In short, following the Mujtahids was a subtle inspiration which Allah unveiled to the scholars. A consensus arose among the rightly guided scholars, to its indispensability. Knowingly or unknowingly, it was upon this inspiration which the vast majority of the ummah united." [84]

He wrote in another place: "The Ummah has unanimously agreed upon the validity of following one of the four schools of thought - which have been organised and documented. There are many obvious benefits in this, especially today where determination has dwindled; where desires have penetrated our consciousness and gloating with ones own opinion is seen as a virtue." [85]

A very clear example of what Shah Waliyullah has stated can be found during the caliphate of Uthman (RA) regarding the compilation of the Quran. All seven dialects of the Qur'an were being recited. Uthman (RA) requested that all copies of the Quran be standardized upon the dialect of the Quraish whose Arabic was uncontaminated over successive generations. Hafiz Ibn Jarir Tabari - the great historian and commentator of the Quran - adhered to the opinion that Uthman (RA) abrogated the remaining six dialects and retained the dialect of the Quraish. All other copies of the Quran were discarded. From the time of the Prophet sallallahu alaihi wa sallam Abu Bakr (RA) and Umar (RA), people were accustomed to recite in any of the seven dialects. Uthman (RA) perceived that failure to standardize the Qur'an would bring about a state of chaos and commotion in successive generations.

Uthman (RA) abrogated six and used the dialect of the Quraish for the official rendition of the Qur'an. Ibn Jarir wrote: "That was the community which was instructed to memorise the Qur'an and recite it. They were given the choice to recite it in any of the seven dialects they chose to do so. For what ever reason, it [the community] was ordered to maintain one standard dialect and to discard the remaining six." [86]

There still remains the question that how can an action be allowed during the time of the Prophet sallallahu alaihi wa sallam (reciting the Qur'an in all seven dialects) and prohibited later. To paraphrase Ibn Jarir, the Muslim community was merely given the choice to recite in one of those seven renderings but no one rendering was made mandatory. The community later observed that there was benefit in restricting the dialects to only one.

Ibn Jarir concludes:

"What they did was mandatory upon them. Whatever they did, they did so out of concern for Islam and its adherents. Thus, their mandatory action was what was preferred for them, than to continue [reciting with all seven] with the status quo which would have lead the community towards more harm than benefit." [87]

The account given above was based on Ibn Jarir's view that Uthman (RA) had abrogated the remaining six renditions. There is another opinion about canceling the remaining six and that is the view held by Imam Malik. Ibn Qutaibah. Abu Fadl Razi and Shaykh Ibn Jazri. These scholars maintain that Uthman (RA) did not actually abrogate the remaining six renditions but rather standardized the script of the Qur'an to conform to one dialect which is the dialect of the Quraish. The other six renditions and dialects are still very much accepted as the Qur'an today. [88] If we take this opinion, which is the opinion of the majority of researchers - then it still supports the case for following a particular individual. This is because before Uthman (RA) standardized the script of the Qur'an, people were writing the Qur'an with several different scripts and even the order of the Surahs varied.

Uthman (RA) annulled writing the Qur'an in different scripts, perceiving greater benefit to the Muslim community. The order of the Surahs was also standardized. He issued this decree throughout the Muslim world and had all other copies of the Qur'an discarded. [89] Uthman (RA) united the community on a standard script. This incident is an example of following one particular scholar and Imam. The action of Uthman (RA) proves that if the Muslim community decides to adapt a way - out of several - to achieve an ideal (like reciting or writing the Qur'an in a standard script), it may eliminate the other practice if there is greater benefit for the community and the avoidance of a harm. The same principle applies in the case of restricting Taqleed to the following of one scholar rather than following many.

Notes:

67 The Major Fatwas of Ibn Taymiyah: vol.2, page 23 - published by Darul Kutub al-Haditha, Egypt

68 Ibid vol. 2, page 285/286

69 Al-Majmu: the commentary on Muhaddhab, by Nawwawi, vol. 1, page 91 (Matba'atul 'Aasima Cairo)

70 Ithaful Sadaatul Muttaqeen, by Zubaidi: vol. 6, page 458/459

71 Nawwawi in his commentary on Muslim: vol 2, page 199

72 Ruhul Ma'ani, by Aaloosi in the commentary of Surah-al-Baqarah, verse 187 - Aaloosi wrote that only a blind person would follow 'Amush (whose name means the one with the squinted eye) in this regard

73 Tahdhibul Asmaa wal Lughaat by Nawwawi: vol. 1, page 334

- 74 Tahfatul Ahwadhi by Mubarakpuri: vol. 2, page 170 and Fathul Mulhim, vol. 3, page 476
- 75 Talkheesul Jeer, by Ibn Hajar: vol. 3, page 186/187
- 76 Ibid abd Iqdul Jeed, page 62
- 77 Faidul Qadeer, the commentary on Jami' sagheer: vol. 1, page 211 while commenting on the Hadith:
"Differences in my Ummah are a mercy."
- 78 Al-Muwafiqat: vol. 4, page 146
- 79 Ibid Page 146/147
- 80 Muqaddamah of Ibn Khaldoun page 448 published by Makatab Tijariyah Kubrah, Egypt.
- 81 Al-Insaaf fi bayan sabab Ikhtilaaf: 57/59. Published by Matba' Mujtabai, 1935
- 82 Ibid 69/71
- 83 Ibid
- 84 Ibid
- 85 Hujjatullah vol. 1, page 154
- 86 Taseer Ibn Jarir: vol. 1, page 19
- 87 Ibid: vol. 1 page 22
- 88 For a full detailed account of this view, read the commentary of the rare words of the Qura'n, by Nishapuri on the sides of Ibn Jarir (vol. 1, page 21) and Fathul Bari: vol. 9, page 25/26
- 89 For further elaboration on this issue, see "The sciences of the Qur'an" by Taqi Usmani