

Sharii'ah, namely, the Quraan, the Sunnah, Ijma'a (consensus of opinion) and Qiyaas (analogy based on explicit rulings of the Quraan and Sunnah). A Mujtahid is therefore a scholar who is qualified to do Ijtihaad.

As explained before, Taqleed technically means to accept the view of a Mujtahid in issues of Islaamic law, without seeking to know the proof thereof, with the understanding that the views are based on legitimate evidences of the Sharii'ah. Thus, a Muqallid (follower) is one who ascribes to the Taqleed of a Mujtahid, because he lacks the qualifications to perform Ijtihaad.

It should be understood that 'following (doing Taqleed) of an Imaam or a Mujtahid does not entail believing the Mujtahid to be an independent source of law, who has to be followed in totality. Rather, the idea is that the Quraan and Sunnah be followed as it was understood by the great scholars of the past, whose understanding, knowledge and authenticity has been accepted by the Ummah.

The Imaam/Mujtahid whose opinion is followed is regarded as an interpreter and not a law maker. The only reason a person follows an Imaam/Mujtahid is because of the conviction and trust which the person has on the knowledge, ability and understanding that the Mujtahid has of the Quraan and Sunnah, (which he, the follower does not possess). In this regard, the follower has relied upon the Imam's opinion/verdict/ruling.

Taqleed therefore, facilitates the following of the Quraan and Sunnah. It should be noted also that Taqleed existed during the time of the Sahaabah (RA) (companions of the Prophet (SA)), where many of them would follow the most knowledgeable among themselves and adhere to his opinions, rulings and explanations. This act of following was so strong that they would not accept the opinions which contradicted the rulings/fataawas of that person whom they followed.

It is therefore clear, that 'Taqleed' conforms to the teachings of the Quraan and the Sunnah and hence, has been encouraged by the scholars of the former and latter generations. While some have strongly encouraged the Muslims to do it, many great scholars from the Salaafus Saaliheen and the latter generations have stated that it is essential for Muslims to do Taqleed. This, they explain, is in order to protect one's religion and to save one self from practicing upon the opinions of scholars to one's convenience. It is generally seen, that those who do not do Taqleed, 'pick' and 'choose' opinions (of scholars) at random. Whatever suits their desires are normally adopted, without having any strong evidence to support (their actions). Sometimes an Imaam's/scholar opinion is accepted in a certain issue, but the same scholar/Imaam is rejected in another issue.

Due to the fact that one is not disciplined in knowledge, he finds himself roaming from one scholar to the other, from one opinion to the other, until he finds that which is convenient and acceptable to him. It is strange to know that those guilty of these practices are not from among the learned, instead, they are those who have no formal Islaamic education and are not even qualified to give an opinion in Sharii'ah matters.

About this, the great Muhaddith Shah Waliullah (RA) writes, 'The Ummah has unanimously agreed upon the validity of following one of the four schools of thought which has been organized and documented. There are many obvious benefits in this, especially today where determination has dwindled, where desires have penetrated our consciousness and gloating with one's opinion is seen as a virtue'. (Al Insaaf)

About the attitude of those who continue to attack the following of an Imaam/Mujtahid, thereby choosing opinions at random, the great Scholar of Hadiith, Sheikh Siddiq Hassan writes, 'There has arisen in this era, a party who do their actions for fame and to show others. They call themselves 'People of Hadiith and Quraan', and they claim to have perfect knowledge, actions and recognition of the Sharii'ah'.

'So how strange is this! That they call themselves people of Tauheed, who are sincere, and brand others as unbelievers and Mushrik, while they themselves are worst of all people, with respect to partisanship and the worst of all in exceeding the bounds of deen'. (Al Hittatu fi Zikr Sihah As Sittah pg. 67,68).

The great and renowned Scholar, Khateeb Al Baghdadi also writes, 'As for those who should do Taqleed, they are those who do not know the methods of extracting Islaamic rules. These people should follow one specific Imam and act upon his ruling. This is so because they do not possess the tools for Ijtihaad'. (Al Faqeeh Wal Mutafaqih).

Therefore, Taqleed or following one to the Imaams of Fiqh is a means of protecting oneself from going astray as a result of following one's own desires and views. To seek the opinions of the learned is to safeguard oneself from the tricks of the Shaitaan.

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What is Taqleed? Why follow an Imam?

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Taqleed literally means to follow, and according to the technical meaning used in the Sharii'ah, it means 'to follow someone in what he says, considering it to be the truth, without looking into the evidence for it'. (Baghwi)

Based on the above meaning, we find that in reality, all Muslims do Taqleed knowingly or unknowingly. The reason for this is clearly seen from the conduct of all Muslims. Almost all Muslims rely on one scholar or the other from whom they take their advice and adopt their rulings. All these are done without even knowing the evidence for the ruling. Whether Muslims accept a particular Aalim/Shaiikh or another, they cannot escape the fact that they rely on the opinions of a person and accept it even though they are not aware of the evidences for the said opinions.

This act of following / accepting a scholar's opinion can be easily understood when we see that most of the Muslims are not scholars of Islaam nor have they studied any sort of Islaamic teachings. Most of them are engrossed in their private jobs and occupation and spend little or no time in acquiring a sound Islaamic education. Although some may be practicing Muslims, yet, they do not get involved in formal studies. As such, we see that most of the Muslims are not aware of Hadiith Studies, Quraanic Studies, Islaamic Jurisprudence, etc.

However, notwithstanding their ignorance (of most of the sciences of Islaamic learning), they are nevertheless devout and practicing Muslims who continue to fulfill, and abide by the teachings of Islaam. This, they are able to do on account of their acceptance and adherence to the teachings given by scholars whom they have accepted as their 'Ulamaa. Hence, whenever they are confronted with any situation, they refer to their scholars and do not question the

authenticity and soundness of the opinions and advises which have been given.

Almost all Muslims in the world, scholars and non- scholars find themselves in the above situation. As for the Muslim who is not a scholar, he places his trust and reliance on a scholar and then accepts his opinion, teachings, explanations and advice.

As for the Muslims who are scholars, they are totally dependent on the scholars of the earlier generations of the Salafus Saaliheen, for their understanding of the sciences of Islaam. As a scholar, one accepts their rulings, explanations and opinions and also gives his verdicts upon their statements. In this way, he (the Islaamic scholar) finds himself following other scholars, and he knows to himself that he cannot escape this. As such, regardless of what one may say against Taqleed, he must also do it, since there is no other way of understanding the teachings of Islaam except through the way of accepting and following the explanations given by the Salafus Saaliheen from among the Sahabahs, Taabi'uun and Taab'ut Tabieen.

It is on account of this reality, we find that even those who condemn Taqleed, are forced to quote statements of 'Ibn Katheer,' 'Imaam Bukhaari', 'Imaam Muslim', 'Ibn Taimiyah', 'Ibn Qayyim', 'Imaam Barbaharee', 'Imaam Ahmad', 'Sheikh Albaani' etc, etc...

The mere fact that a person may quote any of the above name as a proof for what he says, shows that he is using the name (quoted) as an authority and evidence. It therefore means, that he relies and places his trust upon a certain scholar and follows what he has said. In many cases, the one quoting such names (as a proof) do not understand or even investigate the evidence for such statements. Instead, he simply relies upon the name of the scholar, accepting his opinion to be sound. This, in reality is Taqleed. It is simply a matter of following someone who others are not following. Therefore, this act of condemning Taqleed is based on ignorance, arrogance and mere obstinacy, for certainly, a person finds himself doing Taqleed and is totally dependent upon it.

From this explanation, it can be seen that basically, every Muslim does Taqleed. It is simply a matter of who he may choose to follow. There are some Muslims who may not adhere or adopt the Madh-hab of Imaams Abu Haniifa, Maalik, Shaafi or Ahmad bin Hambal, but yet, they adhere to the opinions and teachings of Hafiz Ibn Taimiya and Hafiz Ibn Qayyim. So, in reality they are also doing Taqleed (following). Some may reject the practice of Taqleed, but yet, may listen and follow what a certain Sheikh may say or write. This is actually Taqleed and they are also involved in doing Taqleed even though they may not claim to accept it.

Taqleed therefore, is one which is done by every Muslim and no one can escape it. It is not something which is newly invented, nor has it been condemned in Islaam. Instead, it is one which is encouraged in Islaam, and the Holy Quraan and the Sunnah bears ample testimony to this.

In this regard, Allaah commands the Muslims in the following manner, 'O those who believe! Obey Allaah and obey His Messenger and those in authority over you'. (Quraan 4:59). Here (in this verse), Allaah Has commanded the believers to obey Him. He has also commanded them to obey His Messenger, Muhammad (SA), and he has ordered them to obey those who are in authority. The verse makes it abundantly clear that all Muslims must be obedient to Allaah, to His Messenger (SA) and to those who are in authority.

With respect to who are 'Those in authority', the great commentators of the Holy Quraan from among the Sahaabahs, the Taabi'uun and those after them, have stated that 'those in authority' in this verse means, the Fuqahaa (the Jurists of Islaam). This is the explanation given by Jaabir bin Abdullaah (RA), Abdullaah bin Abbaas (RA), Mujaahid (RA), 'Ataa bin Abi Rabaah (RA), 'Ataa bin Sa'ib (RA), Hasan Basri (RA), Abul 'Aaliyah (RA) and many others from the Salafus Saaliheen (Pious Predecessors). (Tafseer ibn Jareer)

Based upon this explanation, it therefore means that Allaah has issued a command in this verse of Suuratun Nisa, informing the Muslims that they must obey the Fuqahaa 'Islaamic Jurists' who have been given a degree of authority over them. The reason for this command is quite clear, since the Fuqahaa are those who have been endowed with the knowledge and the understanding of the religion of Allaah (Al Islaam).

As such, (with their understanding and knowledge) they are able, to teach and explain the laws of Islaam. They are able to guide the Muslims with respect to halal and haram, and are able to issue verdicts on many matters. When this is done, it becomes imperative upon the Muslims to listen and obey them, and to follow their guidelines since it is all connected to Allaah and His Messenger (SA).

It is for this reason is that Allaah has commanded the believers in the above mentioned verse to obey the Islaamic Jurists, who, according to the commentators are the ones in authority. It should be noted that obedience comes about only by following, and there is no law mentioned in this verse which tells the Muslims that they must know the evidence for a certain issue before they obey. The verse, rather, is straight, explicit and simple, in that it commands the Muslims to obey those who are in authority (that is, the Fuqahaa / Islaamic Jurists).

In another verse, Allaah says, 'Ask those of knowledge, if you do not know'. (An Nahl: 43; Al Ambiya: 7). In this verse, Allaah Has commanded those who do not possess knowledge to ask those who possess it. Obviously, asking is done in order to know, follow and obey. As such, when Muslims seek advice or ask the religious scholars questions, they are required to accept the answers and to follow what have been told to them. So in reality, the act of asking questions brings about the act of 'following'.

It is therefore clear from this verse, that Allaah, by commanding the believers to ask the scholars (who are endowed with knowledge) of the things that they do not know about, is in reality ordering them to follow the scholars in the answers they give.

So what is evident from these verses and explanations is that the act of following 'scholars' and 'knowledgeable people', (which in essence is the concept of Taqleed), is one which is not only encouraged in the Holy Quraan, but it is also a requirement of a Muslim. It is for this reason, the scholars of the early and latter generations have all accepted Taqleed and have encouraged the Muslims to do Taqleed. In this regard, Haafiz Ibn Taimiyah has written in his Fataawa that it is the agreement of the scholars that Ijtihad (deductions) is permissible and Taqleed is permissible. Ijtihad is permissible for that person who has the ability to do it, and Taqleed is for that person who cannot do Ijtihad'.

Allaamah Baghwi has also written, 'It is essential for a person who does not possess the qualifications for Ijtihad to do Taqleed'. The great scholar, Khateeb Al Baghdaadi writes: 'As far as the Islaamic rules are concerned, there are two types. The first are those which are known by necessity to be a part of the Deen of the Prophet (S.A) like Salaah, Zakaah, Fasting, etc. Taqleed is not allowed in these issues since they are such that everyone should know and understand (that is, every Muslim is required to know that these are compulsory and hence, must obey the commandments of Allaah). The second type are those rules which need to be understood and explained, such as the details of the rituals of worship, transactions, etc. Taqleed is allowed in these issues since Allaah says, "Ask those of knowledge, if you do not know". (Nahl verse 43)

Based on the above quotations, we see that the scholars have made two divisions. One is with respect to those who can do Ijtihad, and the other is with respect to those who must do Taqleed. Ijtihad, as explained by the pious predecessors, is the process of extracting laws from the four basic sources of the