

Juristic Basis For Taqleed Shakhsi Alone Being Obligatory

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It is important to elaborate in detail what led to the change in ruling from the permissibility of asking any of the scholars of the four schools to exclusively following one from the four. Originally, both kinds of Taqleed (non-specific and specific) equally shared the status of being obligatory for the layman. The choice was for him to follow one school or to simply ask any scholar he considered a reliable scholar, regardless of his school.

This first type of taqleed (taqleed ghayr shakhsi) however, created a danger which with the passing of time became more and more real. The early Muslims were sincere in their following of the Deen (religion) and their simple and pure motivation in going to ask a scholar was to find out what the Deen said about that particular issue. Their objective was not to compile a portfolio of opinions and opt for what took their fancy.

Later on, desires and whims entered the equation and became the motivating force when questioning. People would 'shop' for opinions, and in their pursuit to fulfil their desires, they searched for anyone who would legitimise their desire. The reason why this was an unacceptable development that had to be somehow prevented was the Qur'an prohibiting a person from following his base desires. The Holy Qur'an says: **"Have you seen he who takes his desire as a god"** (Qur'an 45:23)

Based on this, all Muslim scholars consider it absolutely forbidden for a person seeking to do something unlawful to seek justification for it through texts or the opinions of the scholars. Similarly, seeking out easier or favourable views from the scholars to escape the more difficult view of other scholars, is another form of allowing desires to dictate one's religion.

Restricting a Muslim to following one of the four schools went far in closing the door of following desires. However, there still remained room for arbitrary following, based on ease that existed in opposing opinions between the four schools. For example, a Shafi'i follower might look to the Hanafi school and see that ritual ablution (wudu) does not become invalid by touching the hand of a woman, and thus opt for it. It is clear that being a person who follows the imam but does not appreciate the evidences, his choosing this view was due to ease, a case of following one's desires.

The great jurist of the Hanafi school, Imam Ibn 'Abidin (rahmatullahi alaih) records the following eye-opening incident that illustrates the gravity of this problem. There was a student of Imam Abu Hanifa (rahmatullahi alaih) who once approached a hadeeth scholar for his daughter's hand in marriage. The scholar refused and said he would only marry her to him if he started raising his hands (raf al-yadayn) in salah, reciting behind the imam and pronouncing ameen loudly. The student agreed and consequently married the scholar's daughter. When the Hanafi jurist Abu Bakr al-Jawzajani (rahmatullahi alaih) was informed of this, he replied, **"As for the marriage it is sound, but I fear that he (the student) may have left the Deen, because he left what he believed to be the truth for his personal desire."**

Imam Shatibi (rahmatullahi alaih) among other jurists has extensively explained the dangers in leaving fiqh unregulated. He says that ultimately, the very purpose of the Shari'ah - which is taklif (charging people with duties and responsibilities) would become defunct, as laymen created their own desired opinions through caprice and moral corruption.

The State We Are In

If there was a need for this kind of regulating in the time of Imam Shatibi (rahmatullahi alaih), and as recognised by the majority of Sunni scholars throughout the centuries, we are in need of it now more than ever. We live in an age in which desires and whims are incredibly powerful forces dictating every moment of people's lives. Leave aside mentioning the general Muslim masses who are totally unlearned in the Islamic sciences, we find endless examples of those who have actually devoted much time to learning Arabic and other Islamic sciences, bringing forth opinions unheard of and inimical to the pristine principles of Islam.

We have so-called learned people today saying that usury (riba) is permitted, women can lead men in salah, that intermingling between men and women is fine, in fact taught by Shari'ah, and that music and musical instruments are lawful. Of the above is a result of allowing the so-called learned of today to derive laws from the Holy Qur'an and Sunnah, one can imagine what catastrophic consequences would result upon this already divided and decaying Ummah if every Muslim was to have the right to derive laws for himself.

Thus, reason and necessity demand that there be a system whereby Muslims can be saved from making their Deen a mockery and plaything. Consequently, scholars in their thousands testified that the four schools are the best framework for this. This is for many reasons, among them being that all four imams are considered by consensus of the entire Ummah to have reached the highest level of taqwa (god-fearingness) and far from becoming swayed by desires and worldly motives, in addition to their unparalleled expertise in the sciences.

[\[Understanding Taqleed: Following One Of The Four Great Imams\]](#)