

The Importance Of Following A Madhab, And Sticking To Only One

http://www.muftisays.com/blog/Seifeddine-M/432_07-10-2010/the-importance-of-following-a-madhab%2C-and-sticking-to-only-one.html

Taqleed

Some people say that taqleed [following the school of an Imam] is unlawful in Sharia. They insist that a true Muslim should only follow the Holy Qur'an and Sunna, and they say it is equivalent to shirk [polytheism] to follow an Imam in the matters of Sharia. They also claim that the Hanafi, Shafi'i, Maliki and Hanbali schools were formed some two hundred years after the Messenger's (saw) death, and therefore, these schools are a reprehensible innovation [bid'ah].

Some also stress that a Muslim should seek guidance directly from the Qur'an and Sunna and no intervention of an Imam is needed to practice upon the Sharia.

This view is based on certain misunderstandings arising from unnecessary treatment of the complicated issues involved.

It is true that obedience, in its true sense, belongs to Allah alone.

We do not obey anyone other than Him. This is the logical requirement of the doctrine of tawhid [belief in the oneness of Allah].

The obedience of the Messenger of Allah (saw) has been ordered upon us, only because he is the Messenger of Allah who conveyed to us the divine commandments, otherwise he has no divine status deserving our obedience. By obeying and acting according to the teachings of the Messenger (saw), we obtain the pleasure of Allah (saw).

However, the crux of the matter is that the interpretation of the Qur'an and the Sunna is not a simple one. It requires an intensive and extensive study of the sacred sources of Shari'a, which cannot be undertaken by a person unqualified in the field. If every Muslim was obligated to consult the Holy Qur'an and Sunna on each and every problem arising before him, it would burden him with a responsibility that would be almost impossible to fulfill. This is because the derivation of the rules of Shari'a from the Qur'an and Sunna requires a thorough knowledge of the Arabic language and all the relevant sciences- a combination which every person is not known to have. The only solution to this problem is that a few people should equip themselves with the required knowledge of Shari'a and others should ask them about the rulings in their day-to-day affairs.

This is exactly what Allah has ordained for the Muslims in the following words:

"Of every troop of them, a party only should go forth, that they [who

are left behind] may get instructions in religion, and that they may warn their people when they return to them, so that they may beware [of evil]" (al-Qur'an 9:122).

This verse of the Holy Qur'an indicates in clear terms that a group of Muslims should devote themselves to acquiring the knowledge of Shari'a and all others should consult them for their rulings. Now, if a person asks a reliable scholar [alim] about the juridical [shar'i] ruling in a specific matter and acts upon his advice, can any reasonable person accuse him of committing shirk on the ground that he has followed the advice of a human being instead of the Qur'an and Sunna? Certainly not.

The reason is obvious, because he has not abandoned obedience to Allah and His Messenger (saw). Rather, he is in search of a way to obey them. However, being unaware of the shar'i commands, he has consulted a scholar in order to know what he is required to do by Allah. He has not taken that scholar as the subject of his obedience, but rather as an interpreter of the divine commands. Nobody can accuse him of committing shirk.

This is taqleed in essence: a person who is not able to understand the Holy Qur'an and Sunna, and so consults a Muslim jurist, often termed an Imam, and acts according to his interpretation of the sharia. The person never considers the Imam worthy of obedience, but seeks his guidance in order to know the requirements of Shari'a due to not having direct access to the Holy Qur'an and Sunna or not having adequate knowledge for deriving the rules of Shari'a from these sources. This behavior is called taqleed of that jurist or Imam. Thus, how can it be said that taqlid is equivalent to shirk?

The qualified Muslim jurists or Imams, who have devoted their lives to ijtihad, have collected the rules of Shari'a according to their respective interpretations of its sources in an almost codified form. This collection of the rules of Shari'a according to the interpretation of a particular jurist is called the madhhab or "school" of that jurist. Thus, the school of an Imam is not something parallel to the Shari'a or something alien to it. In fact, it is a particular interpretation of the Shari'a and a collection of the major shar'i rules derived from the Holy Qur'an and Sunna by a reliable jurist, and arranged subject-wise for the convenience of the followers of the Shari'a. So, the one who follows a particular school actually follows the Holy Qur'an and Sunna according to the interpretation of a particular reliable jurist, whom he or she believes to be the most trustworthy and most well-versed in the matters of Sharia.

As for the differences in the schools, they have emerged through the different possible interpretations of the rules mentioned in or derived from the Holy Qur'an and Sunna. In order to understand this point properly, it will be relevant to know that the rules mentioned in the Holy Qur'an and Sunna are of two different types.

The first type of rules are those which are stated in these sacred sources in such clear words that they allow only one interpretation. No other interpretation is possible thereof, such as the obligation of prayer, zakat, fasting and pilgrimage; and the prohibition of pork and adultery. With regard to this set of rules, no difference of opinion has ever taken place. All the schools of jurists are unanimous in their interpretation; hence there is no room for *ijtihad* or *taqlid* in these matters. Also, since everyone can easily understand them from the Holy Qur'an and Sunna, there is no need for consulting an Imam or jurist.

On the other hand, there are some rules of Shari'a derived from the Holy Qur'an and Sunna where any of the following situations may arise:

(1) The wording used in the sacred sources may allow more than one interpretation. For example, while mentioning the duration of the waiting period [*'idda*] for a divorced woman, the Holy Qur'an has used the following expression:

"And divorced women shall wait [as regards their marriage] for three periods of quru'" (2 :228).

The word *quru'* used in the above verse has two meanings. It stands both for the "period of menstruation" and the "period of cleanliness" [i.e. *tuhr*]. Both meanings are possible in the verse and each of them has different legal consequences.

The question that requires jurisprudential efforts here is: "Which of the two meanings is intended here?" While answering the question, the juridical opinions may naturally differ, as is the case. Imam Shaf'i (ra) interprets the word *quru'* as the "period of cleanliness," while Imam Abu Hanifa (ra) interprets it as the "period of menstruation." Both of them have a number of reasons in support of their respective views, and neither can be completely rejected. This example highlights one of the causes for differences of opinion among different schools.

(2) Sometimes disparity appears between two hadiths of Allah's Messenger (saw), and a jurist has to reconcile them or prefer one of them

over the other. In this case also, the view points of the jurists may differ from one another. For example, there are two sets of traditions found in the books of hadiths narrating different behaviors of the Messenger (saw) while bowing [ruku] in prayer. The first set of hadiths mentions that he used to raise his hands before bowing, while the other hadiths mention that he did not raise his hands except at the beginning of prayer. The jurists, while accepting that both ways are correct, have expressed different views regarding the question: "Which of the two ways is more preferable?" Thus, situations like these also cause differences of opinion between various schools.

(3) There are many issues which are not specifically addressed in the Holy Qur'an and Sunna. The solution to these issues is sought either through analogy or through examples, found in the sacred sources, that have an indirect bearing on the subject. Here again, the jurists may have different approaches to extracting the required solution from the Holy Qur'an and Sunna.

Such are the basic causes of differences of opinion between the schools. These differences are in no way a defect in shari'a, rather they are a source of flexibility composing a vast field of academic research governed by the principles of Shari'a and settled by means of the Holy Qur'an and Sunna for all time to come.

A Muslim jurist who has all the necessary qualifications for ijtihad is supposed to attempt his utmost to extract the actual meaning of the Qur'an and Sunna. If he does this to the best of his ability and with sincerity, he will be rewarded for accomplishing his duty, and nobody can accuse him of disregarding the shari'a, even though his view may seem to be weaker when compared to others. This is a natural and logical circumstance, certain to be found in every legal system. The established laws in every legal framework do not cover every minute detail and possible situation. Also, these laws are often open to more than one interpretation, and different courts of law, while attempting to understand them, often disagree about their meanings. One court may interpret the law in a particular way while another court may understand it in quite a different sense. Thus, nobody can say that the jurists have disrespected the laws of Islam by arriving at different opinions. And since every court of law intends to apply the established law to the best of its ability, its duty towards the Lawmaker (Allah) will be discharged, and its jurists will be rewarded for it.

For example, if one of the courts mentioned earlier were a high court, all the lower courts and the people living under its authority would be bound to follow judgements made by the high court, even

though their personal opinion might not conform to the opinion of the high court. In such a case, if the lower courts follow the decision of the high court, nobody can say that they are not following the law or that they take the high court to be a legislator of the law. This is because, in actual fact, the lower courts are following the decision of the high court as a trustworthy interpreter of the law, and not as a legislator.

In exactly the same way, the school of a Muslim jurist provides nothing more than a reliable interpretation of the Sharia. Another qualified jurist may disagree regarding the interpretation of that jurist, but neither can he be accused of disregarding the laws of Shari'ah nor can anyone accuse the followers of a particular school of following something other than the Shari'ah or of committing shirk. The reason for this is that these Muslims are following the school as a trustworthy interpretation of Sharia.

The next question which may arise here is: "What should a person do with regard to these different schools, and which one of them should he follow?" The answer to this question is very simple. All of these schools have been sincere in their efforts to infer the true meaning of the Shari'ah; therefore they are all equally valid. A person should follow the school of any of the recognized Imams whom he believes to be most knowledgeable and most pious.

Although the Muslim jurists who have undertaken the exercise of ijtihad have been many in number, the schools of the four Imams - Imam Abu Hanifa, Imam Malik, Imam Shafi'i and Imam Ahmad (raa) - are found to be more comprehensive, well-arranged, and well-preserved up to the present day. The Muslim Umma as a whole has taken these four Imams as having the most reliable interpretations of Shari'ah.

The four schools are known as the Hanafi, Shafi'i, Maliki, and Hanbali schools. The rest of the schools [madhhabs] are either not comprehensive enough, in the sense that they do not contain all aspects of Shari'ah or have not been preserved in a reliable form. For this reason, the majority of the Muslim Umma belongs to one of these four schools. If a person adopts a school of Islamic law as an interpretation of the Shari'ah, his obligation to follow the Sharia stands fulfilled.

This is the true picture of the term taqlid with reference to the jurisprudential schools. I hope this explanation will be sufficient to show that taqlid has nothing to do with shirk or "ascribing partners to

Allah," but is in fact a simple and easy way of following the Shari'a.

Following One Particular Imam In Every Juristic Issue

It is generally believed that each one of the four schools (Hanafi, Shaf'i, Maliki and Hanbali), all being possible interpretations of the Shari'a, are correct and none of them can be held as something in contradiction with the Shari'a. However, a nonprofessional who lacks the ability to compare between the arguments of each school cannot pick and mix between different views to satisfy his personal desires. The reason for this approach is twofold.

Allah has empathically ordered in a number of verses of the Holy Qur'an to follow the guidance of the shari'a, and has made it suitly prohibited for one to follow one's desires vis-a-vis the rules of the Shari'a. The Muslim jurists, when interpreting the sources of the Shari'a, attempt never to satisfy their personal desires. They attempt to make their best effort to discover the spirit of Shari'a, and they base their opinions on the force of evidence and not merely on the search for convenience. They do not choose an interpretation on the basis of its suitability to their personal fancies; they choose it only on the basis of the strength of the evidence before them.

Now, if someone who has not studied Islamic law is allowed to choose any juristic view without consulting the arguments pertaining to those views, he will be at liberty to select only those views which seem to be more fulfilling to his personal requirements. This attitude will lead him to follow his own desires and not the guidance-a practice totally condemned in the Holy Qur'an.

For example, Imam Abu Hanifa (ra) is of the opinion that bleeding from any part of the body breaks the wudu', while Imam Shaf'i (ra) believes that bleeding does not break the wudu: On the other hand, Imam Shaf'i (ra) says that if a man touches a woman, his wudu' stands broken and he is obligated to make fresh wudu' before offering prayer, while Imam Abu Hanifa (ra) insists that merely touching a woman does not break the wudu.

How can the practice of "pick-and-mix" be allowed? A layman may well choose the Hanafi opinion in the matter of touching a woman and the Shaf'i view in the matter of bleeding. Consequently, he will deem his wudu' unbroken even when experiencing both situations together (i.e. he has bled and happened to touch a woman) even though **his wudu' stands broken now according to both Hanafi and Shaf'i opinions.**

Similarly, according to the Shaf'i view, a traveller can combine the two prayers of Zuhr and 'Asr. However, at the same time, if a

traveller makes up his mind to stay in a town for four days, he is no longer regarded as a traveller in the Shaf'i view. Hence, he cannot avail himself of the concession of shortening the prayers [qasr] nor of combining two prayers. On the other hand, the period of travel, according to the Hanafi view, is fourteen days, and a person can continue to shorten his prayers as long as he does not resolve to stay in a town for more than fourteen days.

A traveler who has entered a city to stay there for five days, cannot combine two prayers, according to both Imam Shaf'i and Imam Abu Hanifa (raa). This is because, by staying for five days, he cannot use the two concessions of qasr and of combining two prayers according to Imam Shaf'i, and because combining two prayers is not allowed according to Imam Abu Hanifa. Nevertheless, the approach of "pick and mix" still leads some people to adopt the Shaf'i view in the matter of combining prayers and the Hanafi view in the matter of the period of journey.

It is evident from these examples that the selection of different views in different cases is not based on the force of arguments leading to them, but on the facility provided by each. Obviously this practice is tantamount to following one's desires, which is totally prohibited by the Holy Qur'an. If such an attitude is permitted, it will render the Shari'a a plaything in the hands of the ignorant, and no rule of Shari'a will remain immune to distortion. This is why the practice of "pick-and-mix" has been condemned by all the renowned scholars of Sharia. Imam Ibn Taymiya (ra), the famous hadith scholar and jurist, says in his Fatawa:

Some people follow at one time an Imam who holds marriage invalid, and at another time they follow an Imam who holds it valid. They do so only to serve their individual purpose and satisfy their desires. Such a practice is impermissible according to the consensus of all the Imams. (Fatawa Ibn Taymiya 2: 285-286).

This was the basic cause for the policy adopted by the later jurists, who made it necessary for the common people to adopt a particular school in its totality. If one prefers the madhhab of Imam Abu Hanifa (ra), then one should adopt it in all matters and with all its details. However, if one prefers another madhhab one should adopt that one in full. One should not pick and mix between the different views of the schools for one's own benefit.

The benefit of the validity of the madhhabs, according to the jurists, is that a person can elect to follow anyone of them. But once a person

has adopted a particular madhhab, then he should not follow any other madhhab in any matter, whether it be to seek convenience or to satisfy his personal choices, both of which are based on his desires and not on the force of argument. Thus, the policy of "allegiance to a particular school" was a preventive measure adopted by the jurists to preclude anarchy in the matter of the Shari'a.

However, this policy is meant for those who cannot carry out ijtihad themselves or cannot evaluate the arguments advanced by all the madhhabs in support of their views. For such people, the best approach is to follow one particular school as a credible interpretation of the Shari'a.

Nevertheless, those equipped with the necessary qualifications of ijtihad need not follow a particular school [madhhab]. They can derive the rules of Shari'a directly from the original sources. Similarly, those who are not fully qualified for the exercise of deriving rulings [ijtihad], but are so well-versed in the Islamic disciplines that they can evaluate the different juristic views on purely academic grounds (Le. without being motivated by their personal desires), are not forbidden from preferring one school over the other in a particular matter. There are many Hanafi jurists who, despite their allegiance to Imam Abu Hanifa, have adopted the view of some other jurist in some juristic issues. Nevertheless, they are considered Hanafis.

This partial departure from the view of Imam Abu Hanifa could be based on either of the following grounds: sometimes jurists, after an honest and comprehensive study of the relevant material, come to the conclusion that the view of another Imam is stronger. Jurists may also find that the view of Imam Abu Hanifa, although based on analogy, does not conform to an authentic hadith, which is usually due to its not having been conveyed to the Imam; otherwise he most probably would have adopted a view in conformance with that hadith also.

Another case in which jurists have departed from the view of their Imam is when they have felt it a necessity for the collective good of the Umma. These jurists would follow another Imam not in pursuance of their personal desires, but to meet the collective needs of the Umma and in view of the changed circumstances prevailing in their time. These examples are sufficient to show that the followers of a particular school do not take their school as a substitute for the Shari'a or as its sole version to the exclusion of every other madhhab. Followers of a madhhab do not give any madhhab a higher place than it actually deserves within the framework of Shari'a.

I would like to clarify another point which is extremely important in this context. Some people who have no systematic knowledge of Islamic disciplines often become deluded by their superficial knowledge based on self-study (in many cases, it being only through the translation of the Holy Qur'an and hadiths). Following this kind of cursory study, they assume themselves to be masters of Islamic learning and begin criticizing the former Muslim jurists. This attitude is based on ignorance and has no justification.

The extraction of juridical rules from the Holy Qur'an and Sunna is a very meticulous process that cannot be carried out on the basis of sketchy study. While studying a particular juristic subject, one has to collect all the relevant material from the Qur'an and hadiths found in the various chapters and books and undertake a combined study of the scattered material. One must examine the veracity of the relevant hadiths in light of the well-established principles of the science of hadith [usul al-hadith]. One must study the historical background of the relevant verses and traditions. In short, one has to first resolve a number of complicated issues involved. This whole exercise requires very intensive and extensive knowledge which is seldom found in the contemporary scholars who have specialized themselves in the subject, let alone the common people who have no direct access to the original sources of Shari'a.

The conclusion of the above discussion is that since all the four schools are based on solid grounds, it is permissible for a competent scholar to adopt another school's juristic view, if he has the required knowledge and ability to understand the merits of each madhhab on the basis of adequate academic research, without being indulged in pursuing his personal desires. The people who do not fulfill these conditions should not dare to do so, because it could lead to anarchy in the matter of Shari'a.

Taqleed During The Time Of The Companions And Their Followers (raa)

There are abundant references to Taqleed of a particular individual in the books of Sunnah. A few examples are offered below. Imam Bukhari narrates from Ikrimah that the people of Madinah asked Ibn Abbas about a woman who - during Hajj - makes her first Tawaaf and then enters her menstrual period before she can make her final Tawaaf. Ibn Abbas told them that she could go home without completing her final tawaaf. The people of Madinah said:

"We will not take your opinion over the opinion of Zaid ibn Thabit."

This narration is found in the Mu'ajjam of Isma'ili from Abdul Wahhab Thaqafi.

The words of the people of Madinah in this narration are : **"We do not care whether you give us this Fatwa or you don't. Zaid ibn Thabit hold the opinion that this woman should not go home [but wait until she is able to complete the final tawaaf]."** 41

Also, this narration is found in the musnad of Abu Dawood Tayalisi from Qatada where the words of the people of Madinah are:

"We will not follow you, O Ibn Abbas as you go against the opinion of Zaid."

Ibn Abbas replied: **"Ask your companion Umme Saleem when you reach Madinah [Whether my opinion is correct or not]"** (42)

Two points are clear from this dialogue between Ibn Abbas (ra) and the people of Madinah. The first is that the people of Madinah regarded and followed Zaid ibn Thabit (ra) as an authority. His opinion was given preference over any other scholar. In fact, the narration in the Mu'ajjam of Ismai'ili tells us that Ibn Abbas gave the people of Madinah proof of his Fatwa by referring them to Umme Saleem.(43) Despite this proof, the people of Madinah still maintained that they trusted the opinion of Zaid ibn Thabit and his statement was proof enough. Ibn Abbas did not object to this behavior from the people of Madinah. He did not approach the people nor has anything different been narrated. He instructed them to return to Zaid and confirm the ruling with Umme Saleem. Zaid did confirm the opinion of Ibn Abbas with Umme Saleem and retracted his previous opinion. The latter part of the narration is confirmed in the books of Muslim, Nisaai, Baihaqi and others.(44) Certain quarters contend that if the people of Madinah were among those who practiced Taqleed, why did they bother to confirm the Hadith from Umme Saleem?(45) This contention is based on the misunderstanding that while making Taqleed of a certain Mujtahid, continuing research into the Quran and Sunnah is somehow forbidden or dormant. Those who reject Taqleed base many arguments on this misconception.

The nature of Taqleed in essence is that a person who does not have the immediate tools to derive Hukm Shari'ah from the Qur'an and Sunnah directly relies upon the opinion of a Mujtahid and acts upon it. The concept of Taqleed does not hinder seeking knowledge of the Quran and Sunnah. This seeking of knowledge continues even whilst practicing Taqleed. For this reason hundreds of scholars - who practiced the Taqleed of an individual - continued to write commentaries of the Quran and Sunnah and expand their scholastic horizons. If during research an opinion of a certain Mujtahid was conclusively proven to be against the Quran and Sunnah, the "unsound" opinion would be relinquished and the stronger evidence would be adopted.

If a Muqallid (someone who follows a Mujtahid) finds that the opinion of his Imam is contrary to a Hadith, this is not necessarily antithetical to Taqleed. The narration in question, rather, prove that both Taqleed and constant examination and re-evaluation of primary evidence were both in vogue simultaneously. The people of Madinah took counsel from Zaid who confirmed the Hadith with Umme Saleem and retracted from his original position. This approach enabled reconciliation between a confirmed Hadith and the opinion of an Imam, but the key to this narration is the firm stand of the people of Madinah:

"We will not take your opinion over the opinion of Zaid ibn Thabit"

If this is not following (making Taqleed of) an individual, then it begs the question what is?

Imam Bukhari has narrated from Huzail ibn Shurahbail that some people asked Abu Musa Al-Ash'ari (ra) a question on inheritance. Abu Musa replied advising them to ask Abdullah ibn Mas'ood (ra). They did so and Abdullah gave them an answer, which was very different from that of Abu Musa. When Abu Musa heard of Abdullah's Fatwa, he acknowledged his learning and said:

"Do not ask me anything as long as this great scholar is present amongst you."

The fact that Abu Musa acknowledged the superior knowledge of Abdullah ibn Mas'ood and then actually instructed others to ask him all their questions concerning the Deen, is in fact a mandate for following an individual.

Certain quarters contend that although Abu Musa instructed people not to follow him as long as Abdullah was present, this does not necessitate that he prevented them from asking other Companions who were still present. Abu Musa was merely emphasizing that since Abdullah is more knowledgeable than myself; people should refer to him in all matters. The answer to this contention is that this incident occurred in Kufa during the time of Uthman (ra) where Abdullah ibn Mas'ood was the established scholar. As of yet Ali (ra) had not arrived in Kufa. So of the understanding of Abu Musa's statement is merely that **"when a superior scholar is present, why go to a lesser scholar?"** then it still refers to the fact that Abdullah should be followed in Kufa since there was no one who could match his knowledge.

A narration in the Mu'ajjam of Tabarani tells us that Abu Musa was asked a question about suckling and he made a similar statement: **"Do not ask me while this (scholar) from the companions of the Prophet is present amongst us."** So it is clear that the circumstances and environment under which Abu Musa made this statement supports the idea of following a specific individual. **Taqleed of a specific individual was not unfamiliar to the Companions.**

Imam Tirmidhi and Imam Abu Dawood have both narrated that when the Prophet sallallahu alaihi wa sallam sent Mu'adh ibn Jabal to Yemen (as a governor), he asked him:

"How will you judge if you are asked to do so?"

Mu'adh (ra) said: **"I will judge according to the Book of Allah."**

The Prophet (saw) said: **And if you do not find it in the Book of Allah?"**

Mu'adh said: **"Then I will judge according to the Sunnah of His messenger."**

The Prophet (saw) said: **"And if you do not find it in the Sunnah of the Messenger, or in the Book of Allah?"**

Mu'adh said: **"Then I will exercise my opinion and I will not be negligent with it."**

The Prophet (saw) then patted the chest of Mu'adh with his hands and said: **"All praise is due to Allah Who has guided the emissary of His Messenger towards that which He guided**

His Messenger." (46)

The Prophet sallallahu alaihi wa sallam sent one of the best scholars from amongst the Companions (raa). He appointed Mu'adh (ra) as a governor, judge, mentor and Mujtahid for the people of Yemen and ordered, him to be followed. He allowed him, not only to give Fatwas based on the Qur'an and Sunnah, but also to use and exercise his own judgment.

It is clear that the Prophet sallallahu alaihi wa sallam decreed the people of Yemen to practice Taqleed of an individual. (47) To argue that this Hadith deals with judicial practices and not with Ijtihad and Taqleed (48) is misleading. Aswas ibn Zaid said that Mu'adh ibn Jabal came to us in Yemen as a teacher and as a governor. We asked him regarding how the inheritance should be distributed of a man who had died leaving behind a daughter and a sister. He ruled that both the daughter and the sister should receive half each.(49)

Here Mu'adh (ra) ruled as a Mufti and did not offer any proof for his ruling. His view was implemented by merely accepting and following it as in Taqleed. However, even though Mu'adh (ra) did not offer any explanation for his ruling, his opinion was based on the Qur'an and Sunnah. There is another Fatwa of Mu'adh (ra) in which he used his discretion and exercised his Ijtihad. Abu Aswad Al-Dailami said that when Mu'adh (ra) was in Yemen, people came up to him with a case of a Jew who had died and left a Muslim brother him. Mu'adh said:

"I have heard the Prophet sallallahu alaihi wa sallam say that Islam increases (gives) and does not decrease (take away)."

So Mu'adh then ruled that the Muslim should inherit from the Jew.(50) Here Mu'adh (ra) used a Hadith whose background had nothing to do with inheritance, but still used it to form an opinion which was accepted and followed by the people of Yemen.(51)

There is yet another incident which has been narrated in the Musnad of Ahmed and in the Mu'ajjam of Tabarani which says that when Mu'adh came to Yemen, a woman from Khaulan met him and offered salaams to him.

"O dear man! Who has sent you?" she asked him.

"The Prophet sallallahu alaihi wa sallam has sent me" replied Mu'adh.

"The Prophet sallallahu alaihi wa sallam sent you so that makes you the messenger of the Messenger of Allah. So won't you inform me of Islam O' messenger of the Messenger?" she continued

"Ask me what you wish," replied Mu'adh.(52)

It is clear that Mu'adh (ra) was sent as a representative of the Prophet sallallahu alaihi wa sallam. People would ask of him questions about Islamic issues and he would answer. The above mentioned woman verified his status and then proceeded to ask him questions. Mu'adh (ra) obliged her and answered her questions. One of her question was **"What are the duties of a wife towards her husband?"** In reply to this question, Mu'adh (ra) did not quote the Quran nor Hadith, but merely explained the broad Islamic principles. He did not offer any proofs for his answer. After all, Mu'adh (ra) is the one

about whom the Prophet sallallahu alaihi wa sallam said that he was the most informed of what is Halal and what is Haram.(53) The Prophet sallallahu alaihi wa sallam also said:

"Mu'adh will be raised on the Day of Judgment far ahead of Scholars to a distance that one can shoot an arrow."(54)

Not only did the people of Yemen follow Mu'adh (ra), but so too did other Companions. Abu Muslim Khaulani said that he went to the mosque in Damascus and saw a group of Companions gathered there (and in the narration of Kathir ibn Hisham,(55) there were close to 30 Companions of the Prophet sallallahu alaihi wa sallam). Among them, there was a young man whose eyes had antimony in them and who had white teeth. Each time they differed in an issue, they would refer to the Young man. Abu Muslim asked who the young man was and he was informed that it was Mu'adh ibn Jabal. (56)

In yet another narration of this incident, the words are:

"And whenever they differed in an issue, they would refer it to Mu'adh and accept his decision as final."(57)

Mu'adh ibn Jabal (ra) was among those Companions (raa) who were scholars and about whom the Prophet sallallahu alaihi wa sallam said that: **[colr=blue]"the most informed about what**

is Halal and what is Haram."[/color] He was also followed by several other Companions.

The Prophet sallallahu alaihi wasallam sent him to Yemen as a governor, judge and as a scholar whose opinion should be

listened to and followed. The people of Yemen obliged and this is the essence of Taqleed of an individual. There is a narration in the Sunnan of Abu Dawood in which Amr ibn Maimoon Al-Awdai said:

"Mu'adh ibn Jabal RA came to us in Yemen as the messenger of the Messenger of Allah. I heard his Takbeer in Fajr and found that he had a deep voice. I developed an affinity with him and I did not leave his company until I buried him in Syria. Then, I searched for the most learned scholar after him and found Abdullah ibn Mas'ood. I stayed with him until he died."(58)

In this narration, Amr ibn Maimoon searched for a scholar after Mu'adh (ra) passed away. He stayed with Mu'adh (ra) and Ibn Mas'ood (ra) merely to seek knowledge of Islamic Law. So as long as Mu'adh was alive, he consulted him and when he died, he consulted Ibn Mas'ood RA. Referring to only one scholar is known as following an individual.

Likewise, the Tabi'een followed individual Companions. The following are some examples:

Imam Sha'bi said:

"Whoever wishes to take an authority in rulings and judgments should apply the statements of Omar (ra)."(59)

Imam Mujahid said:

"When people disagree about an issue, they should see what Omar (ra) did and accept it."(60)

Imam Aa'mush said about Ibrahim al-Nakha'i:

"Ibrahim did not consider anybody's opinion to be better than Omar (ra) and Ibn Mas'ood (ra) when they both agreed upon an issue. When they disagreed, Ibrahim would prefer Ibn Mas'ood's opinion over Omar's." (61)

Abu Tamimah said:

"We came to Syria and found people were forming an entourage around one person. I asked someone who this person was and he told me that he was the most learned of the Companions of the Prophet sallallahu alaihi wa sallam and who was still alive. He was Omar al-Bakkali (ra)." (62)

Imam Ibn Jarir Tabari said:

"No scholar had students who wrote his Fatwas and arranged his views in Islamic except for Abdullah ibn Mas'ood (ra). Even Abdullah used to forsake his view completely and give preference to Omar if he disagreed with him, but they disagreed very infrequently."

Sha'bi said:

"Abdullah did not recite the Qunut in Fajr. Had Omar (ra) recited the Qunut, then Abdullah would have most definitely recited it also." (63)

The several examples provide ample evidence of following one particular individual during the illustrious era of the Companions (raa).

Notes:

39 Kanzul Ummal - vol. 3, page 317

40 'Illamul Muqi'een - vol. 1, page 9

41 Fathul Bari - vol. 3, page 468 and Umtadul Qari - vol. 4, page 777

42 Abu Dawood Tayalisi in his Musnad - page 229

43 The people of Madinah met with Ibn Abbas again and informed him that the Hadith (from Umme Saleem) was as he mentioned. Umtadul Qari - vol. 4, page 777

44 Fathul Bari - vol. 3, page 468/469

45 Tahreeke Azade Fikr, by Maulana Ismail Salfi - page 132

46 Abu Dawood in the chapter of judgements by opinion

47 A certain critic - who has labelled myself and others who practice Taqleed as infidels - has written the

following comments: "before offering the hadith as a proof, perhaps he should have examined whether the hadith

was sound or not" (At-Tahqeeq fi Jabawab Taqleed: Page 47), Then, the above mentioned critic has

quoted the
 famous objection stated by Shaykh Zurqaani from the footnotes of Abu Dawood. Perhaps the person
 in question
 himself would like to observe how - in the process of condemning Taqleed - he has used the
 principle of taqleed
 himself by quoting Shaykh Zurqaani's objection to the hadith as sufficient proof against my
 argument. Moreover, he
 seems to have found it sufficient to quote the footnotes of Abu Dawood in arguing in the integrity of
 the Hadith. If
 anything, perhaps he could have read and summarised the comments Ibn Qayyim has made on this
 hadith refuting
 Zurqaani's objections. Ibn Qayyim has argued that none of the transmitters of this hadith have been
 classified as
 liars or as weak. Their memory and integrity have not been questioned at all. Besides, there is
 another chain from
 Khatib of Baghdad which links us directly to hadith of Mua'adh RA whose narrators are all known as
 authentic and
 reliable. Also, the Ummah's acceptance of this hadith is a very important factor in seeing the
 authenticity of the
 hadith. (Ilaamul Muq'ieen vol.1 page 172)
 48 as mentioned in Tahreeke Azadi Fikr, by Muhammed Ismail
 49 Bukhari vol. 2, page 99
 50 Musnad of Ahmed: vol. 5, page 230 and 236 Hakim has also narrated this Hadith and classified as
 sound even though Bukhari and Muslim did not narrate it. Dhahabi said that it is a sound hadith
 (Mustadrak of Hakim vol. 4, page 345)
 51 It should be noted that this ruling was Mua'dh's own conclusion. The opinion of the majority of
 other
 Companions is based on a hadith which says that a Muslim does not inherit from a non-Muslim.
 52 Al-Haithami in Majma'us Zawaid vol.4 page 307/308. Also Ahmed and Tabarani from the
 narration of
 Abdul Hamid ibn Bahraam from Shahar who were known to weak, but they also have been
 authenticated.
 53 Nisaai; Tirmidhi and Ibn Majah - all with sound narrators (Tadeebul Asmaa wal Lughaat by
 Nawawi
 vol 1, page 99)
 54 Musnad Ahmed from Omar RA (Fathur Rabbani: Vol 21, page 352)
 55 Musnad of Ahmed vol. 5 page 236
 56 Ibid
 57 Ibid page 233
 58 Abu Dawood: vol 1, page 62 and Ahmed: vol. 5, page 231
 59 'Ilaamul Muq'ieen vol.1, page 15
 60 Ibid
 61 Ibid Page 13 and 14
 62 Ibid page 14
 63 Ibid page 16