

The Necessity Of Taqleed

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There are two types of wujub (the compulsory nature of something) in jurisprudence: wujub bi 'l-dhat and wujub bi 'l-ghayr. Wujub bi l-dhat means "compulsory in itself"- in other words, acts ordered or prohibited by Islamic law due to something in their intrinsic nature, like the command of prayer and the prohibition of polytheism.

Wujub bi l-ghayr means "compulsory due to an external factor"- in other words, acts that are not compulsory or prohibited in themselves, but constitute the basis for other actions that are specifically commanded or prohibited in the Qur' an and hadiths; or let us say that such acts which rake on the obligatory nature of the actions that they form the basis of

An example of this is the writing of the Holy Qur'an and hadiths. The Messenger of Allah (saw) is reported by Abdullah ibn 'Umar (ra) as saying, **"We are a nation that neither writes nor calculates"** (Sahih al-Bukhari, Muslim). This hadith, by way of implication (since it was said concerning The observation of the moon), negates the transcribing of the Qur'an and hadiths. However, it has been found necessary to record the Qur' an and hadith in writing to preserve their authenticity and make both more widely available. Therefore, such writing is not considered to be in conflict with the above hadith, and no one questions the necessity of such writing nor does anybody demand proof for it.

The preservation of the Qur' an and hadith is an act categorically commanded (thus wujub bi 'l-dhat) and emphasized by Sharia. Experience tells us that such preservation is not normally possible without recording the Qur' an and hadith in writing. It is for this reason that the writing of the Qur' an and hadith has also been decreed as wajib. Consensus of the entire Umma [Muslim Community] regarding the recording of the Qur' an and hadith in writing has been reported through the ages in an unbroken chain of transmission. The need for this recording is thus classified as wujub bi 'l-ghayr. In exactly the same way, taqlid or **"following someone in matters of Islamic law,"** is also decreed as essential or wajib, falling within the classifications of wujub bi 'l-ghayr. We find ample evidence for the necessity of taqlid in light of the above explanation.

Taqlid is especially important in this age in which the vast majority of Muslims are ignorant of basic Islamic sciences. Thus, without taqlid following the clear and definite commandments of the sharia would be virtually impossible. For those who have not acquired even a basic knowledge of the sources of Shari a and methods of deriving rulings [ijtihad] from the sacred texts, taqlid becomes both essential and compulsory.

Evidence from Hadiths

Aswad ibn Yazid narrates: **Mu'adh came to us in Yemen as a teacher (or as a leader). We asked him concerning a person who had died leaving [as his heirs] a daughter and sister. He decreed half the estate for the daughter and half for the sister** (Sahih al-Bukhari 2:297).

This was during the lifetime of the Messenger (saw). From this hadith a number of points are established:

(1) Taqlid was in practice during the time of the Messenger of Allah (saw). The questioner (in the hadith) did not demand proof or a basis for the decree. He accepted the ruling, relying on the integrity, piety, and righteousness of Mu'adh (ra). This is a precise example of taqlid in practice.

(2) The Messenger (saw) did not criticize the people of his time who followed Mu'adh (ra) nor did the Messenger (saw) have any objection on the issue.

(3) This hadith furnishes proof for the validity of taqlid shakhsi or "**following one particular person in the affairs of Islamic law.**" The Messenger of Allah (saw) had appointed Mu'adh (ra) to provide religious instruction to the people of Yemen. It is evident that the Messenger of Allah (saw) granted the people of Yemen the right and permission to refer to Mu'adh (ra) in all affairs of the Din [religion]. The permissibility and validity of taqlid is therefore evident from this, especially because of its prevalence in the glorious time of the Messenger (saw).