

The Statements Of The Mujtahid Imams Regarding Taqleed

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Contentions that the Imams themselves have prohibited the following of their opinions until they have discovered the proofs and that if their opinions conflict with any Hadith, they should smite their opinions against the wall and practice the Hadith, are of course true. However, to do justice to such statements, one would have to conclude that they are not addressed to people who do not possess the faculty of Ijtihad. Rather, they were appealing to those scholars who were capable of Ijtihad.

Shah Waliyullah of Delhi has summarised such statements thus:

"These statements can be assessed against those who have some ability to exercise Ijtihad - albeit in one single issue; or against those who have conclusively determined that the Prophet sallallahu alaihi wa sallam ordered this and prohibited that [and the issue is not abrogated]. This may be achieved by researching the corpus of the Hadith, the statements of those scholars who opposed and supported [the view in question] or this may be acquired by realising that many expert scholars have opposed the view in question which in itself can only be supported by analogy or deduction. If such is the case, then there is no reason to go against the Hadith of the Prophet sallallahu alaihi wa sallam." [129]

This meaning is clear. The Mujtahid Imams did not claim that Taqleed was not valid. Their own lives were filled with incidents and occasions where lay people came to them with hundreds of questions to which they answered without volunteering any proofs. Taqleed's permissibility was never questioned during the era of the Mujtahids. If such a practice were held to be invalid the Imams would never have allowed themselves to become its tools. Several statements from the Imams categorically state Taqleed to be necessary for the non-Mujtahid. The following are a few examples:

"When the Mufti is such that he is a Mujtahid, then the lay person must follow him, even if the Mufti has erred in his judgement. This is how Hasan has narrated from Imam Abu Hanifa; Ibn Rustum from Muhammed and Bashir ibn Waleed from Abu Yusuf." [130]

Imam Abu Yusuf continues:

"The lay person must follow the jurists since he is not capable of understanding the Hadith independentl." [131]

Ibn Taymiyah reported that Imam Ahmed Ibn Hanbal used to:

"Instruct the lay person to ask Ishaq, Abu Obaid, Abu Thaur and Abu Mus'ab. However, he used to prohibit his own Companions like Abu Dawood, Uthman ibn Sa'eed, Ibrahim al-Harbi, Abu Bakr al-Athrum, Abu Zar'ah, Abu Hatim and Muslim (among others) to follow anyone. He would say to them:

"You must follow the sources of the Qur'an and Sunnah." [132]

This statement by Ibn Taymiyah makes it very clear that Taqleed was unsuitable only for those scholars/students who themselves were jurists and had the potential to become like their teachers in making decisions directly from the Qur'an and Sunnah. As for those who did not possess the requisite qualifications, they are strongly implored to follow a Mujtahid and practice Taqleed. In fact, Taqleed for the non-scholar was so overwhelmingly accepted amongst the scholars that only the Mu'tazilah disagreed with the idea.

Shaykh Saifuddin Aamodi wrote:

"The lay person and the scholar who does not possess the ability to exercise Ijtihad - although they may possess some reliable skills in certain issues - must follow the opinion of a Mujtahid according to experts in principles and foundations (Usool). Some Mu'tazilah of Baghdad have differed on this issue and have prohibited Taqleed even for these people." [133]

Shaykh Khatib of Baghdad wrote:

"It has been narrated from certain Mu'tazilah that it is not permissible for a lay person to follow the opinion of a scholar until he knows the reasoning behind his opinion. This is wrong because the lay person has no recourse to understanding the reasoning until he has studied for several years; has actually participated in the discussions with jurists and other scholars; has developed an understanding for analogy and realised what is correct and what is not. For a lay person to go through all this is subjecting him to carry a burden which is beyond his capabilities and that is not incumbent upon him." [134]

There has been a difference of opinion - among the Mujtahids - as to whether a person who is capable of Ijtihad can follow another's opinion. Khatib of Baghdad has narrated Abu Sufyan as saying that indeed he may do so and Imam Muhammed as saying that he may follow the opinion of someone who is more knowledgeable than he. [135]

Shaykh Ibn

Taymiyah has also narrated this opinion from Imam Muhammed. Imam Shaf'iee and Imam Ahmed both say that this not allowed at all. [136] Maulana Abdul Hai of Lucknow has recorded (while introducing Shamsul Aimah Halawani) Imam Imam Abu Hanifa's opinion:

"It has been narrated from Imam Abu Hanifa that it is permissible for a Mujtahid to follow someone who is more knowledgeable than himself." [137]

The details of this debate can be found in the books of Islamic principles of jurisprudence such as al-Mustasfa of Al-Ghazali and Fawatihur Rahamut. In brief, other than a handful of Mu'tazilah scholars, no one has disagreed that a lay person should practice Taqleed.

Notes:

129 Hujjatul Baligah: vol. 1, page 155

130 Kifayah: the commentary of Hidayah in the chapter fasting

131 Abu Yusuf cited previously from Hidayah: vol. 1, page 226

132 Fatawa ibn Taymiyah: vol. 2, page 240

133 Ihkaamul Ahkaam, by Aamodi: vol. 4, page 197 also in Mustasfa of Al-Ghazali: vol. 2, page 124

134 Al-Faqith wal Mutafaqqih, by Khatib: vol 2, page 69

135 Ibid

136 Fatawa Ibn Taymiyah: vol. 2, page 24.

137 Al-Ta'leeqaat Siniyaah, page 96