

Ask those of Knowledge if you do
not know
(Al Qur'aan)

TAQLEED & IJTIHAAD



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INTRODUCTION

Islamic history is littered with the wrecks of personalities and movements who ejected themselves from the protective shield of *Taqleed*. Sects and persons who discarded the *Taqleed* of the Sahaabah and the *Aimma-e-Mujtahideen*, invariably slid into the abyss of dhalaal (deviation) and kufr (disbelief). All those who discarded the Mantle of *Taqleed* ended up with Imaan shred to bits and pieces...with Imaan nullified by beliefs and concepts engineered by man's finite intellect operating unfettered on the basis of the lowly desires of the nafs.

Rasulullah (sallallahu alayhi wasallam) predicted the splitting of the Ummat into 73 sects, of which all excepting one, will be the inmates of Jahannum. Each and every baatil sect commenced its voyage into the ocean of falsehood and disbelief by firstly discarding and refuting the Shar'i concept of *Taqleed*, for *Taqleed* does not admit the unrestricted operation of the lowly nafs. Abandoning of *Taqleed* is the only way in which men of the world, slaves of the nafs could hope for the fulfilment of their conceptions of desire and passion. This abandonment was achieved at the expense of Imaan.

In this age of "modernity" the slogans of anti—*Taqleed* have been raised everywhere. Ignorance of Islam coupled with the influence of a grossly material and anti-Islamic system of education have violently shaken the Imaan of most westernized Muslims. Totally lacking in true Islamic knowledge and wholly deficient in Imaan and Islamic morality our westernized Muslim bretheren are tossed and buffeted in mental confusion. Lacking any Islamic bearings, they seek manifestation for their thinking and concepts of the nafs. But such manifestation is possible only beyond the confines of Shar'i *Taqleed*. The slogan and clamour for non-*Taqleed* are therefore sounded on all fronts by those whose relationship with Islam is negligible. The Imaan of those advocating the elimination of *Taqleed*

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is either already utterly annihilated or suspended on the flimsiest of strings.

This booklet, *TAQLEED WA IJTIHAAD*, written by Hadhrat Maulana Muhammad Masihullah Khan, is an effort to save the Imaan of many a Muslim who, has become the victim of the votaries of adm-*Taqleed* (non-*Taqleed*). It is imperative that innocent and unwary Muslims enmeshed in the satanic tentacles of non-*Taqleed* read this booklet carefully and with a clear mind, appealing to Allah Ta'ala for guidance in the matter of their Imaan. If the booklet is studied with this sincere desire to attain the Haqq then, Insha'Allah, guidance will come from Him Who is the only provider of Hidaayat.

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نحمده و نصلي علي رسوله الكريم
اما بعد قال الله تعالى في القران المجيد فاسئلوا اهل الذكر ان كنتم
لا تعلمونو قال رسول الله صلى الله عليه و سلم فَإِنَّمَا شَفَاءُ الْعِي
السؤال

Translation of the ayat:

“Ask those of knowledge if you do not know.”

Translation of the hadith:

“Verily the cure of ignorance is to ask.”

Ignorance is a disease whose remedy is with the people of Ilm (knowledge of Deen). It is clear from the above Qur’anic ayat and Hadith Shareef that some people are versed in the Ahkam (Laws of the Shariat) whereas others are not. In the light of the above quotations it devolves upon those who are unaware of the Ahkam to acquire same from those versed in this knowledge. Those not versed in the Ahkam are, therefore, dependant upon the Ulama in the acquisition of the knowledge of the Deen. It is obligatory upon the ignorant to search for an Aalim ba Amal (a practicing and uprighteous Aalim), Mut-taqi (fearing Allah) abstaining from the prohibitions of Allah so that he (the one not versed in the Shariat) may follow the Aalim in every rule and law of the Shariat.

Following such a pious Aalim in this manner is called *Taqleed Shakhsi*, the basis of which has been given in brief in the aforementioned Quranic ayat and hadith. These proofs are sufficient evidence for the decree of *Taqleed Shakhsi* which is a concept, the essentiality of which is evidenced by the intelligence of all people—those versed in the laws of the Shariat as well as those not versed.

In the ensuing pages, by the taufiq of Allah Ta’ala the necessity of *Taqleed Shakhsi* as expounded and substantiated in general and particular style which will make this concept convincing and comprehensible to persons of all degrees of education and intelligence. A fair-minded and unbiased person, after perusing this

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booklet, will be constrained to raise the slogan of *Taqleed Shakhsias* an absolute necessity by virtue of intelligence, and obligatory (*Wajib*) by virtue of unbroken transmission (from the earliest of times of the Islamic era)

نحمده و نصلي علي رسوله الكريم

EVIDENCE OF TAQLEED IN GENERAL STYLE

If we had refrained from the *taqleed* of our parents and teachers then today we would have been deprived of even the basic and preliminary needs of humanity. The faculty of *taqleed* is inherently existent in us. By nature man is endowed with the ability to imitate and follow others. If this was not the case, we would not have been able to learn our home language. If we had refused to accept unquestioningly every command, beck and call of our teachers — without demanding proof — then we would have been ignorant of even the alphabet, leave alone the study and writing of books.

Our whole life — every facet of it, eating, drinking, donning garments, walking, earning, etc. — is connected with this very concept of *taqleed*. Our intellectual and cultural development and progress are the effects of making *taqleed* of tutors in the *maktab* (primary school). If the fundamentals and technical terminology of every science and branch of knowledge were not acquired on the basis of *taqleed*, without questioning the authority of the masters, then proficiency in such knowledge could not have been attained. If the meanings of words and idiomatic usage are not acquired on the basis of *taqleed* (of the experts) then one will not become an expert in any language. We realised the harmful effect of poison and snakes as well as the remedial effects of medicines by virtue of *taqleed*. In war if the army does not accept unquestioningly every order of its commander, victory will not be attained. If the various agencies of government do not act in accordance with the laws promulgated by

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the government, then law and order cannot be maintained in the land.

In short, the progress and perfection of our physical, spiritual, intellectual, academical, moral and social life are firmly rooted in *Taqleed*— to accept and obey expert authority. Even the Pleasure of Allah Ta'áala is attainable via the agency of *Taqleed*, Hence the Qur'án Majeed proclaims:

“Whatever the Rasul brought to you, adhere to it; and whatever he forbids you from, abstain (from it).”

It is thus realized that for the ignorant and unwary it is only natural to follow the experts and by means of this following (*taqleed*) traverse the various stages of progress. This very *taqleed* is the fundamental basis of all progress. However, if the Muqtada (leader) whose *taqleed* is being made happens to be on error then we could fall into deviation by virtue of such *taqleed*. The consequence of such errant following will be failure and regret instead of success and progress.

While man is constrained to accept *taqleed*, at the same time it is incumbent upon him to employ, in his choice of a leader, correct intelligence, sound understanding and the true insight with which man has been endowed so that external influences do not bring about any defect and harm in his intelligence, understanding and insight. It is imperative that he probe and contemplate about the one whom he wishes to follow because the learning of the fundamentals and following a person are termed *hidáyat* (guidance); *it-tibá'* (to follow) and *itá-at* (to obey). And, these are not beyond the confines of the Shariat.

FURTHER EVIDENCE FOR THE INCUMBENCE OF TAQLEED.

The weak and children are constrained to make *taqleed* of the strong in authority and of parents respectively. Those being followed are the benefactors of their followers. It is therefore firmly

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embedded in human nature that every powerful man and every benefactor is worthy of following (*taqleed*). In view of this natural demand of man, Allah Ta'áala, in the Qur'an Majeed decrees obedience to parents obligatory. Along with this self-evident fact (viz, the essentiality of obedience to parents), the Qur'an in numerous places calls the attention of man towards Allah's Might, Power and Favour. Man is thus commanded by the Qur'an to render obedience to Allah Ta'áala. The need for such obedience is made easy for understanding by the Qur'anic postulation of kindness and obedience to parents based on their love and kindness towards children.

Man being influenced by the power and favour of others inclines towards their obedience. Similarly, he desires the obedience of those whose benefactor he happens to be and of those above whom he has power and authority. Thus, obedience is expected by parents from their offspring; by the rulers from their subjects; by the teacher from the pupil; and by everyone in authority from those within the scope of their authority.

In the event of a clash of powers and benefactors, the intelligence will most assuredly command allegiance to the greater power and greater benefactor. In any conflict of allegiances priority will be assigned to the being who, by virtue of power, favour and authority is the greatest. If, however, man fails to differentiate between great and small, then it is only necessary and logical for him to stray from the straight path and from the dictates of sound intelligence.

Now, intelligence as well as the Shariat of Islam indicate that none is as Mighty and Powerful as Allah Ta'áala and none is greater in Favour and Kindness than Allah Ta'áala. Obedience to Him is therefore first and foremost. It is incumbent to assign priority to His obedience and in accordance with His Command, obedience to His Rasul, to parents and those in authority has to be rendered. This is the demand of intelligence, and this is the demand of the *Nure Firásat* (the insight of man; based on Iman).

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The illustrious *A-immah* (experts of the Shariat — the Jurists of the early epoch of Islam) were men of colossal knowledge of the Deen. In piety and purity they superseded us by far. They devoted and expended their whole lives with perfect rectitude and piety in the acquisition of the various branches of Deeni Knowledge. They fully encompassed the Qur'án, Hadith, Athár, history, Násikh, Mansukh, etymology and meanings. The comparison of our knowledge with their knowledge is like the knowledge of an infant pitted against that of a great expert. Therefore, in view of the natural law (of *taqleed*) it is imperative that in all Masa -il *Ijtihád* iyah (rules deduced by the analogical reasoning of the Jurists of Islam) we make *taqleed* of the noble *A-immah-e-Mujtahideen*). This is a natural obligation.

BARRIER TO TAQLEED

The question arising now is: When *taqleed* is a natural and intelligent concept, what prevents man from accepting it? When man ceases to employ correctly his faculty of intelligence then he annihilates this natural quality of *Aql* (intelligence) by wandering unfettered and aimlessly in the darkness of satanic and base desires. He is then buffeted in the waves of lowly desire, and in consequence he leads an aimless life unconcerned with the reality of Iman and Islam. In separating himself from this reality, he lays himself prostrate in front of lust and the plot of shaitán.

In the endeavour to appease relatives and friends he searches for avenues of permissibility for his unscrupulous deeds which clash with the Qur'án and Sunnat. In this way he seeks to accord respectability and Shari sanction for his misdeeds. When the clear laws of the Qur'án and Ahádith are presented to the miscreant, he attempts to neutralise it by the presentation of *Mu-awwal* (interpreted). *Mubham*, *Mushtabahát* (ambiguous), *Mushtarakatul Ma-ani* (of several meanings and *Majázát* (allegory) áyát. At times he fixes the meaning of the words of the áyát and ahádlth in accordance with his opinion, basing then his deeds on his self-

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opinionated conceptions. About such times, Rasulullah (sallallahu alayhi wasallam) said:

‘Verily, I fear for my Ummat leaders who will deviate (others from the Haqq).’

Such devious leaders attempt to substantiate their personal views and concepts by means of the Qur’án and Hadith. They present the concessions of the Shariat in a manner which indicates that such concessions are on the rank of the *Nusoos* (the clear-cut laws to be followed in normal circumstances. They shield behind *Ayáte Mansukhah* (abrogated áyat) and Ahádith which applied to the initial stage of Islam. They cite these as proof for their misdeeds. They proclaim **Marjuh* (inferior) as **Rajih* (superior).

They ignore the restriction of **Muqayyad* (a law operating - under a - restricting condition) and claim it to be ‘Mut/aaq (general, without condition). They assign as a general law a particular order issued for a particular Sahábi in a particular circumstance. They assign priority to their reasoning without investigating the authenticity of narrators, without differentiating between weak and strong narrations, without reflecting in the **Unambiguous* and **Ambiguous*; the **Categoric* and **Probable* Meanings; ignoring the **General* and the **Particular*; the **Figurative* and the **Compound*. They favour their reasoning even if it conflicts with the *Nass* (categoric injunctions of the Shariat). In this way have they chosen meanings and concepts in total opposition to the purpose and intent of the expositions of Rasululláh (sallallahu alayhi wasallam). On the basis of personal opinion have they made laxity -of practice their criterion of life. Their attitude is proof of their desire to lead a permissive life without any restraint. This is tantamount to the annihilation of the soul of Islam and the destruction of the relationship between the servant and his Creator.

Presenting Islam in this style smothers the flame of divine feeling, fear and love for Allah, which is existent in the heart of the Believer.

By means of satanic deception and lowly **These are technical terms in the Principles of Islamic Jurisprudence.*

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desire in the endeavour to achieve personal comfort, they accord priority to their reasoning in opposition to the categoric, expounded and transmitted decrees of *the Sahábah, A-imma-e Mujtahideen and Ulama-e-Muhaq-qiqeen*. This is exactly like the reasoning of Shaitan vwho opposed the command of Sajdah to Adam (alayhis salám) because of his base desire. He rejected the commanded Sajdah both in word and deed and in substantiation of his rejection he presented his reasoning.:

“You created me from fire and you created him (Adam) from sand.”

Superficially, this reasoning seemed correct and permeated with his *Tauhéed* — pure and untainted. But, the Divine Decree, ‘*I command You,*’ refuted his argumentation and decreed him accursed until the Day of Qiyámah.

On the other hand those who are not over-powered by their base desire do not adopt liberalism, but employ correct intelligence, sound understanding, reflection and insight, fearing the reckoning of the Day of Qiyamat. Thus, they are guarded against satanic deception and promptings of the base desire and therefore find themselves firm on *Sirate Mustaqeem* and righteousness. Guided and becoming guides of rectitude, they attain their goal successfully. Their sound intelligence regard *Taqleed* as their guard and medium of victory.

It has been proved in various ways that *Taqleed* is both original and natural. Safety and tranquility are enshrined in *Taqleed*. In this regard it is necessary to know the following facts:

- (1) The nature and rank of *Taqleed* in the Shariat.
- (2) Is *Taqleed Shakhsicompulsory*? If it is, then what is the need to make *Taqleed* of one among only the four *A-immah*?
- (3) The definition and limits of *Ijtihad* and the *Mujtahid*.
- (4) The difference between *Qiyás* (analogical reasoning) and *Rá-e* (personal opinion).

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TAQLEED

Definition of Taqleed

The acceptance without demanding proof of a statement of another; on the belief that the statement is being made in accordance with fact and proof is called *Taqleed*.

DALEEL (PROOF) FOR TAQLEED

Aswad Bin Yazid narrates:

“Mu-áth came to us in Yemen as a teacher and commander. We questioned him regarding a man who had died leaving (as his heirs) a daughter and a sister. He decreed half the estate for the daughter and half for the sister. This was while Rasulullah (sallalláhu alayhi wásallam) was alive.

(Kitábul Fará-idh: Bukhári and Muslim Shareef).

It will be realized from this hadith shareef that *Taqleed* was in vogue during the time of Rasulullah (sallalláhu alayhi wasallam). The questioner (in the hadith) did not demand proof or basis for the decree. He accepted the ruling, relying on the integrity, piety and uprighteousness of Hadhrat Mu-áth (radialláhu anhu). This is precisely *Taqleed*.

Secondly, Rasülulláh (sallalláhu alayhi wasallam) did not criticize or reject the people of his age, who followed Hadhrat Mu-áth (radialláhu anhu), nor has any difference or rejection on the issue been narrated from anyone else. The permissibility and validity of *Taqleed* are therefore evident, especially so because of its prevalence in the glorious time of Rasululláh (sallalláhu alayhi wasallam).

This hadith further furnishes proof for the concept of *Taqleed Shakhsi* Rasululláh (sallalláhu alayhi wasallam) had appointed Hadh'rat Mu-áth (radialláhu anhu) to provide religious instruction to

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the people of Yemen. It is, hence, evident and certain that Rasululláh (sallalláhu alayhi wasallam) granted the people of Yemen the right and permission to refer to Hadhrat Mu-áth (radialláhu anhu) in all affairs of the Deen.

Huthail Bin Shurahbeel said:

“Abu Musá was questioned, then Ibn Mas’ud was questioned. Ibn Mas’ud was informed of Abu Musa’s statement. Ibn Mas’ud differed with it. Thereafter Abu Musá was informed (of this difference). He then said. Do not ask me as long as this Aalim of the Deen is among you.”

(Bukhári, Abu Dawood, Tirmizi)

It will be understood that Abu Musá (radialláhu anhu) in directing the people towards Ibn Mas’ud (radiallahu anhu) by his command, *“Do not ask me as long as this Aalim of the Deen is among you.”* was mandatory regarding all matters of the Deen. This, in fact, is *Taqleed Shakhsi* which means to refer every religious question to a particular *Aalim* because of some determining factor, and to act according to his verdict.

These ahádith indicate that *Taqleed Shakhsi* is not a new concept which could be refuted. Its existence from the very epoch of Khairul Qurun (the three eras adjacent to the age of Rasulullah (sallalláhu alayhi wasallam)) is an established fact.

COMPULSORY NATURE OF TAQLEED SHAKHSI

There are two classes of *Wujub* (compulsory nature), viz,

(i) *Wujub biz-zát*

(ii) *Wujub bil-ghair*

Commission and omission of acts emphasised by the Qur’án and Hadith are classified in the first category of *Wujub*, viz. *Wujub biz-zát* which means *compulsory in itself*. The very nature of the commission or omission brings about the compulsion. Salát, Saum, etc. are of this kind.

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Then there are such acts which by themselves are not commanded practices. However, these acts constitute the basis for practices commanded in the Qur'án and Hadith. Normally it is not possible to execute the commanded practices without their basis which is termed *Mauquf alayhi*. Such acts constituting the essential basis for commanded practices are of the second class of *Wujub*, viz. *Wujub bil-ghair* which means *compulsory by virtue of an external factor*. The compulsion is established for the sake, and preservation of practices categorically commanded (*Umur Mansus*). The universally accepted principle, viz., *the basis of a Wajib is Wajib*, governs the compulsory nature of *Taqleed Shakhsi*. Such an example is the writing of the Qur'án and Hadith. Reducing the Qur'án and Hadith to writing has been negated in the Hadith. In this regard appears the following Hadith:

Ibn Umar narrates that Rasulullah (sallallahu alayhi wasallam) said: "We are a nation which neither writes nor calculates."

(Mishkát- Mut-tafaq alayh) -

In this hadith writing has been unconditionally negated by way of implication. However, it has been found necessary to reduce the Qur'án and Hadith to writing in order to preserve their authenticity and prevent them from destruction. Hence, such writing is not considered as conflicting with the hadith. No one has questioned the *Wujub* of such writing nor has anyone demanded *daleel* (proof) for this *Wujub*. The preservation of the Qur'án and Hadith is an act categorically commanded and emphasised. Experience shows that such preservation is not a normal possibility without reducing the Qur'an and Hadith to writing. For this reason has the writing of the Qur'an and Hadith been decreed *Wajib*. Consensus of the entire Ummat on this need has been reported down the ages in an unbroken chain of transmission. Such a need is classified as *Wujub bil-ghair*. In exactly the same way is *Taqleed Shakhsi* decreed essential and *Wájib*, falling within the classification of *Wujub bil-ghair*.

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In view of this explanation the need does not arise for the presentation of *Sareeh Nass* (clear and categoric Qur'anic verses and Ahádith) in substantiation of the compulsion of *Taqleed Shakhsi*. For this purpose **Dalálatun Nass* (Indication of Nass) is ample evidence — a fact which is not hidden from men of knowledge. In our age, in view of the dominant condition of people, it is indisputable that without *Taqleed Shakhsi* protection and

*A technical term, of Usule Fiqh (Principles of Islamic Jurisprudence).

preservation of *Mansus Alayh* affairs (clear and categoric commands of the Shariat) are not possible. *Taqleed Shakhsi* is therefore both essential and compulsory.

EVILS OF DISCARDING TAQLEED

It is established by experience and observation that in this age most people are governed by selfishness, baneful motives, dominating desire, lust, insincerity, mischief, strife, anarchy, opposition to the consensus of the Ahle Haqq, and subjection of the Deen to desire. This is manifest and self-evident. The Ahadith on Fitán (Strife) have forewarned us of the rise of these baneful traits in man. The Ulamá are well aware of this. For this reason, in the absence of *Taqleed Shakhsi*, the greatest of harm, mischief, disruption and corruption will reign in the Deen.

A destructive evil which will rear its head in the absence of *Taqleed Shakhsi* is self-appointed *mujtahids*. Some persons will consider themselves to be *mujtahids* and embark on the process of *Qiyás* (shar'i analogical reasoning). They will consider themselves on par with the illustrious *Mujtahideen* of the early ages of Islam. It will be said — and this has already been the case — that the previous *Mujtahideen* have reliably stated that some laws are based on certain causes (*i.e. they are Mu-al-lal*). Citing this some modernist has claimed that the command of Wudhu for Salat is *Mu-al-lal*, it being the consequence of the early Arabs being camelherds and

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goat-herds. Since their occupation of tending animals exposed them constantly to impurities, the command for Wudhu was formulated. On this basis they claim that since people of the present live in environments and occupations of greater hygienic conditions, Wudhu is no longer necessary for Salát. They conclude thus, the permissibility of Salat without Wudhu.

Similarly, it is claimed (by such self-styled *mujtahids*) that the *Wujub* of witnesses in the Nikah ceremony is *Mu-al-lal*, the need of witnesses being occasioned by the exigency of a dispute which may arise in the future. The presence of witnesses will facilitate in resolving a dispute between the contending marriage parties. On this basis they conclude that where there exists no danger of dispute, the Nikah will be valid without witnesses.

In a like manner it will be claimed that practices abrogated by the consensus of the Ummat (*Mansukh bil Ijmà'*) are not annulled. On this basis they will claim the permissibility of *Mut'ah* (temporary marriage). Such will be the violent contradictions and interpolations introduced into the Deen by the unqualified so-called *mujtahids*.

Which law is *Mu-al-lal* (based on a cause with an *Il-lat* (cause) which could be employed in the transference (*ta'diyah*) of a command which could be effected from the *Maqees Alayh* (original premiss) to the *Maqees* (the second premiss or branch in the process of analogical reasoning), and which law is a *Hukm Ta-abbudi* (a command having no apparent cause; i.e. it is *Ghair Mu-al-lal*)?'

This is the function of the accepted *A-imma Mujtahideen* who were men of the greatest ability, piety, sincerity, free from selfish motives and lowly desire. They were men who had achieved total annihilation of the lowly self. This ability of *Ijtihad* was their exclusive prerogative which ceased with the passing of these stars in the firmament of Islamic Knowledge.

Another evil resulting from the discarding of *Taqleed Shakhsi* is to practice in accordance with the exoteric (*záhir*) facade of certain Ahadith, whereas such practice is most certainly not lawful. Since

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the discarding of Taqleed Shakhshi feels himself unchecked and unfettered he follows the dictates of his nafs. An example of this type of Hadith is: “*Rasululláh (sallallahu alayhi wasallam) performed Zuhr and Asr together and Maghrib and Ishá together without (the expediency) of fear and journey.*”

(Muslim Shareef)

At face value the hadith indicates the permissibility of performing Zuhr and Asr as well as Maghrib and Ishá even if there exists no valid reason for this practice.

But, without any, doubt, the unification of Salat without reason is not held permissible by any authority. The correct meaning of the hadith is arrived at by *ta’weel* (interpretation) via the faculty of *Ijtihad*. Practice in accordance with the mere external facade of the words in such cases will result in opposition to *Ijma* (consensus of the Ummat), and such conflict is *haram*.

One who has discarded *Taqleed*, even if he does not resort to *ijtihád* himself, nor follow the meaning conveyed superficially by the words, will in difficult *Masá-il*, accept the verdict of any authority. He will at times follow one *Imám* and at times another. In this way he will sometimes practice in opposition to *ijmá’*, and on occasions even if the result is not in conflict with *Ijma*,’ he will resort to the verdict which appeals to his whim and fancy and by means of which worldly motives are attainable. Thus, he will submit the Deen to the dictates of the Nafs. We seek Allah’s protection from such deviation.

The man whose nafs becomes desensitized by such habitual mental freedom, will after a while transgress the limits of the detail rules and trespass into the realm of the fundamentals (*Usul*). The spiritual disaster ensuing in this event is colossal. This danger is not remote. In fact its arising is overwhelming and dominant.

The summary of what has been said is: *Taqleed Shakhshi* the basis for a *Wajib* aspect (viz, acting in accordance with the commands of the Shariat), and the basis of a *Wajib* is also *Wajib*, hence *Taqleed Shakhshi* is likewise *Wajib*.

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At this juncture it may be said: What is the proof for the claim that the basis of *Wajib* is also *Wajib*? The answer to this question is: This is an universally accepted and self-evident principle. It is a principle espoused by the intelligence of all people and nations. Hence, it stands in no need of substantiation. Nevertheless, purely as a favour, a hadith in substantiation is presented here:

Uqbah Bin Amir narrates: "I heard Rasululláh (sallalláhu alayhi wasallam) say: Verily, whoever learnt archery then discarded it, is not of us (or verily, he has sinned)."

(Muslim)

This hadith reprimands those who have discarded archery after having acquired its practice. Obviously, archery is not among the pure and intended *Ibádát* of the Deen, but since on occasions it forms the basis for a *Wajib* command, viz. *I'lá Kalmatulláh* (elevating the Word of Allah by means of Jihád), the warning upon its neglect has been sounded. This reprimand indicates *Wujub* (of the practice of archery) when occasion demands. This suffices to prove that the basis of *Wájib* is also *Wajib*. Thus, *Taqleed Shakhsi* is proven and authentic.

WUJUB IN GENERAL

The objection may be lodged that since the compulsion of *Taqleed Shakhsi* has been engineered in view of the adverse spiritual and mental dispositions of the majority — conditions which open the doorway to spiritual anarchy and mischief — the need for imposing this *Wujub* on those with stable and correct dispositions is uncalled for. This objection is negated by the universally accepted principle governing the maintenance of law and order. In matters of law and order the condition of the majority is taken into consideration for the purpose of countering the infusion of mischief and anarchy. It has been mentioned earlier that the dispositions of the overwhelming majority incline towards anarchy, hence the decree of *Wujube Taqleed* (*Taqleed is Wájib*) has been enacted in general.

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It is on this very basis that the *Fuqahá* (Jurists of Islam) have decreed that an act which will engender doubt and suspicion in the minds of the masses, is forbidden to the *Khawás* (the elite and intelligentsia) as well. Many ahádith bear this out. Among these is:

Jábir narrates that Umar came to Nabi (sallallahu alayhi wasallam) and said:

“We hear from the Jews such talks which appeal to us. Do you consider that we write down some of it?” Rasululláh (sallalláhu alayhi wasallam) said: “Do you desire to be destroyed like the Jews were destroyed?”

(Mishkát)

A man of Hadhrat Umar’s calibre, of sound intellect and fortitude in Deen is refused permission to write down the statements of the Jews. The reason for the refusal is the danger of deviation to the majority. It is thus apparent that an act which constitutes a danger to the masses will be forbidden to the intelligentsia as well providing that such an act is not among the essentials of the Deen.

The objection is thus dismissed as utterly baseless.

TAQLEED RESTRICTED TO THE FOUR MATHA-HIB

There were numerous *Mujtahideen*. It may therefore be argued that *Taqleed* of any *Mujtahid* should suffice. What is the reason for restricting *Taqleed* to the four *Matha-hib*?

It was realized from the exposition of the *Wujub* of *Taqleed* that adoption of different verdicts leads to anarchy. It is therefore imperative to make *taqleed* of a *Math-hab* which has been so formulated and arranged in regard to principle (*Usul*) and details (*Furu’*) that answers to all questions could be obtained either in specific form or in deducted form based on principles, thereby obviating the need to refer to an external source. This all-embracing quality, by an act of Allah Ta’ala, is found existing in only the four *Mathá -hib*. It is therefore imperative to adopt one of the four *Mathá-hib*. This has been the accepted practice coming down the

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ages from the early times in an unbroken chain of transmission — from generation to generation.

The emphasis on this aspect of *Taqleed* is so profound that certain Ulama have restricted the *Ahl Sunnah wal Jama'* within the confines of the four *Mathá-hib*.

WHY THE HANAFI MATH-HAB?

What is the reason for the adoption of the Hanafi *Math-hab* by the Hanafi Ulama? The answer to this question lies in the fact that we inhabit a land where the Hanafi *Math-hab* prevails predominantly. Such predominance is not the result of our effort and choice. When we appeared on the scene, Ulama and books of this *Math-hab* existed in abundance. Should we have adopted another *Math-hab*, the difficulty of acquiring the Ahkam of the Shariat would indeed have been great.

MATH-HAB OF THE CONVERT

What is the hukm (law) for a convert to Islam or for one who wishes to switch from his state of *non-taqleed* to *Taqleed*? Which *Math-hab* does he have to follow?

If such a person lives in a place where a particular *Math-hab* is dominant, then he shall follow that *Math-hab* by virtue of its dominance. If he happens to be in a place where several *Matha-hib* are in operation on a more or less equivalent basis, then he will be free to choose any *Math-hab* acceptable to him. However, once the choice is made, he will be obliged to remain steadfast on the *Math-hab* of his choice.

In cases where it is difficult to act in accordance with one's *Math-hab* due to a dearth of Ulama of one's *Math-hab*, moreover for the one who is not an Aalim, it will be permissible, in fact compulsory, to adopt the *Math-hab* which happens to be predominant in the place where one happens to be. For a person in such circumstances *Taqleed Shakhshi* of his former *Math-hab* will not be compulsory. He

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will be obliged to choose from the four *Matha-hib* the *Math-hab* which is dominant in his particular circumstance. However, such cases are rare. The general rule in force is the *Wujub* of *Taqleed Shakhsi*.

IJTIHAD

DEFINITION

Ijtihad is a special natural ability of the intellect and understanding by means of which is ascertained the subtleties, implications, finer points, mysteries, wisdom and causes of the *Ahkám*.

The conclusion ascertained in this manner produces conviction and contentment although the conviction, thus realized, in the light of additional information could be supplanted in another direction. When this occurs, the *Mujtahid* retracts (*Ruju'*) the earlier view. The expert researchers (*Muhaqqiqeen*) in this field have adopted this way and have said:

"The Mujtahid can err and can be correct."

This is the faculty of intellectual perception which has been designated in the Qur'an and Hadith as *Fahm*, *Fiqh*, *Ilm*, *Ijtihád*, *Istimbát*, *Sharh Sadr*, etc.

From the definition of *Ijtihád* it is clear that a *Mujtahid* is a person in whom this special faculty of intellectual perception exists naturally. The nature and definition of *Ijtihád* indicate that the *Nusus* (Qur'anic áyat and áhádith) have exoteric as well as esoteric meanings; some implications and meanings are hidden and subtle since they are mysteries, wisdom and causes underlying the laws. Hence, fathoming and solving these aspects stand in need of a natural ability of intellectual perception. In this regard (i.e. the various dimensions of the *Nusus*) Rasululláh (sallalláhu alayhi wasallam) said that the Qur'an was revealed in seven letters; that every áyat has a outer (*záhir*) and an inner (*batin*) meaning; and that there are separate avenues of attaining the two dimensions (viz. *záhir and batin*). In other words, the *záhir* meanings are attainable by means

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of the various branches of knowledge related to Arabic, and the *batin* is reached through the faculty of intellectual perception divinely endowed in man.

This proves that in the comprehension of *Nusus* the intellect and understanding of individuals differ. Some reach only the external meanings whereas others fathom and attain the inner subtleties, Every rank in the gradation of intellects is not lofty and of excellence. It is the intellect occupying a special grade of depth and insight, which is on the pedestal of excellence and elevation. When on this rank, the knowledge is considered reliable and authoritative. It should be realised that the special pedestal of intellect is not attainable by endeavour. On the contrary it is a natural favour of Allah Ta'ála. This divinely—gifted faculty of lofty intellect acts as an eliminator of doubt and a cause for intellectual tranquillity in the person endowed with it. In this regard is the *Riwàyat* (narration) of Hadhrat Zaid Bin Thábit (radiáliáhu anhu) who narrates:

“During the time of the Battle of Yamámah, Hadhrat Abu Bakr Siddique (radiáliáhu anhu) sent for me. On my arrival I saw Umar (radiáliáhu anhu) seated there as well. Hadhrat Abu Bakr (radiáliáhu anhu) said: ‘Umar says that in view of the many reciters of the Qur’án slain in the Battle of Yamámah, he fears that if this trend was to continue, a great portion of the Qur’án will be lost. He therefore advised me to order the compilation of the Qur’án. I said to Umar. How can I undertake a task not undertaken by Rasulullah (sallallahu alayhi wasallam)?’ Umar said. ‘By Allah! This task is pure virtue.’ He repeated this constantly until my breast too opened up (for its acceptance).”

Initially, in view of the *Zahir* text of the áhadith deprecating *Bid’ah* (innovation), Hadhrat Abu Bakr (radiáliáhu anhu) was in doubt regarding the virtue and validity of the task. However when the hidden effect (*Madlul Khafi*) and the secret of the wisdom underlying the command to abstain from *Bid’ah* was inspired into

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his heart, the inclusion of the task (insisted upon by Umar) in the scope of the general principle of the preservation of the Deen was revealed to him. As a consequence of this inspiration and revelation he became convinced of it (the compilation of the Qur'án) being beyond the scope of innovation (*Khárij anil Bid'ah*). He thus attained intellectual tranquillity on this question.

Another hadith in Bukhári, Tirmizi, etc. also pertains to this special divinely-awarded faculty of understanding.

Abu Juhaifah narrates that he asked Hadhrat Ali (radiallahu anhu):

“Have you written such knowledge and matters which are not to be found in the Book of Allah?”

Hadhrat Ali (radiáliáhu anhu) replied:

“I take oath by the Being Who spilt the seed and brought forth growth and Who created life! I have no such knowledge. But yes, I do possess a special understanding which Allah Ta'ala endows to one in regard to the Qur'án.”

Rasululláh (sallallàhu aláyhi wasallam) said:

“May Alláh keep prosperous and happy the servant who after hearing my hadith learns and remembers it, and delivers it to others, for some of those who deliver (the hadith) do not understand the knowledge, and they deliver it to some such persons who possess greater understanding than the deliverer.”

(Abu Dawood, Tirmizi, etc.)

This hadith shows very clearly that some narrators of hadith (*Muhaddith*) in spite of being *Háfiz* of hadith are men of little understanding in so far as the meanings and subtleties are concerned. In Muatta Imám Málik (rahmatullah alayh) it is recorded that a man questioned Hadhrat Abdulláh Ibn Amr Bin Al-As (radialláhu anhu) about a man who divorced his wife thrice prior to consummation of the marriage. Present also, was Hadhrat Atá

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(rahmatullah alayh) who replied that on a virgin (*bakirah*) only one *taláq* takes effect. Hadhrat Abdulláh (radialláhu anhu) exclaimed:

“You are a mere narrator. She becomes Ba-in by one taláq and three talaq reach the prohibition to the degree of halalah.”

It is indeed noteworthy that inspite of Hadhrat Atá (rahmatulláh alayh) being a *Muhaddith* of high rank, Hadhrat Abdulláh (radialláhu anhu) rejected his *fatwa* (verdict) because of his lack of the faculty of *Ijtihad*. In dismissing Hadhrat Atá’s *fatwa* Hadhrat Abdulláh (radialláhu anhu) said:

“You are a mere narrator”

This statement implies that Hadhrat Atá (rahmatulláh alayh) was not a *Mujtahid*. It should, therefore, be realised that transmission (or narration) of *Riwayat* and *Ijtihad* are two distinct and different things.

One who lacks the faculty of *Ijtihad* has no right to venture into the domain of *Ijtihad*. The ability to accumulate and remember ahádith does not qualify the *Háfiz* of hadith to be the subject of *Taqleed* by others. Hadhrat Ibn Abbas (radialláhu anhu) in a hadith recorded in Abu Dawood, says that during the time of Rasululláh (sallalláhu alayhi wasallam) a man after having been inflicted with a head wound was overtaken by the condition of *janábat*. His associates ordered him to take *ghusl*. After *ghusl* he died. When this news reached Rasulullah (sallalláhu alayhi wasallam) he said:

‘The people have killed him. May Allah Ta’ala kill them. What! Is not the cure of ignorance, to ask? It was sufficient for him to have resorted to Tayammum, tie a plaster on his wound and then have made masah on it. The remaining part of the body could have been washed.’

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The deceased's associates, utilizing their opinion and understanding interpreted the áyat:

“And if you are in the condition of janábat then purify (yourselves by means of ghusl),”

as applicable to both *Ma'zur and *Ghair Ma'zur. On the other hand they considered the áyat:

“And if you are ill...”

restricting the concession to only those in the condition of *Hadth Asghar* (which is purified by Wudhu). However, Rasululláh (sallalláhu alayhi wasallam) refuted and criticized their *fatwa*, because those who had pronounced the *fatwá* lacked the ability of *Ijtihád*. Hence, it was not lawful for them to employ *Qiyás* (analogical reasoning) in the issuing of the *fatwa*.

It is proven without doubt from the ahádith that Rasulallah (sallalláhu alayhi wasallam) himself negated *Ijtihad* for those lacking this ability, and on the other hand he upheld the verdicts based on *Qiyás* because of the presence of the faculty of *Ijtihád* in those issuing the *fatwá*. Hence, the hadith establishes *Ijtihád* and *Qiyás* as Proofs of the Shariat (*Hujjate Shar'iyah*).

*Ma'zur: one who has valid Shar'i reason which waives an obligation and allows one to participate in the concession.

*Ghair ma'zur is the opposite of Ma'zur.

In a hadith recorded in Abu Dawood; Hadhrat Amr Bin Al-As (radialláhu anhu) narrates:

“On the occasion of the Battle of Thátus Salásil, during an extremely cold night along the journey nocturnal emission (ihtilam) occurred to me. I feared that if I take ghusl I will die (of the extreme cold). I resorted to tayammum and in the morning conducted the Salat with my companions. These people informed Rasulallah (sallalláhu alayhi wasallam) and he asked me:

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'O Amr! You conducted the Salat in the state of janábat?' I presented my excuse and said that Allah Ta'ala proclaims:

'Do not kill yourselves. Verily, Allah is Most Merciful unto you. Hearing this, Rasululláh (sailalláhu alayhi wasallam) smiled and did not comment further.'

This hadith is a categoric indication of the validity of *Ijtihad* and *Qiyás*. Since Hadhrat Amr Bin Al-As (radiallahu anhu) possessed the ability of *Ijtihad*, Rasululláh (sallalláhu alayhi wasallam) upheld his analogical reasoning.

Similarly, it is reported in Nisái Shareef that two men performed Salát with tayammum. Prior to expiry of the time for that Salát, they located water. One of the two made wudhu and repeated the Salát, but the other one did not repeat the Salat. Both narrated this incident to Rasululláh (sallalláhu alayhi wasallam) who then commented to the one who did not repeat the Salát:

'You acted in accordance with the Sunnat.'

To the other one, Rasulullah (sallalláhu alayhi wasallam) said:

"You have attained full reward.

In other words, he obtained the reward for both Salát.

It is apparent, that on this occasion both Sahába employed *Ijtihad* and *Qiyás*. However, the *Qiyás* of the one was correct — in conformity with the Sunnat, and that of the other one was incorrect. The authorities (*Muhaqqiqeen*) have said that a *Mujtahid* formulates correct as well as incorrect decisions. Hence, inspite of the one *Qiyás* being erroneous, Rasulullah (sallallahu alayhi wasallam) did not reprimand. The permissibility of *Qiyás* is thus categoric. It is evident from the various ahádith that in the absence of *Nass Sareeh* (categorical rulings of Qur'án and Hadith) the Sahába, with the consent of Rasululláh (sallalláhu alayhi wasallam), resorted to *Ijtihad*.

However, among the illustrious Sahaba, no one's *Math-hab* has been formulated in a regulated and compiled form. For purposes of

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Taqleed, it is essential for a fully compiled and systematically arranged *Math-hab* in regard to both *Usul* (Principles) and *Furu'* (details). This perfection the exclusive disinction of the four famous **Aimma Mujtahideen*.

*viz., Imam, Abu Hanifah, Imam Sháfi, Imám Málik and Imám Ahmad ibn Hambal (Rahmatulláh alayhim).

For this reason, direct and total *Taqleed* of any particular Sahábi is not possible. However, *Taqleed* of the *Mathá-hib* of the four Imáms is tantamount to following and *Taqleed* of the Sahaba Kiram.

This form of *Taqleed*. viz., acceptance without demanding proof (*daleel*) of the verdict of a *Mujtahid* in undefined laws (*Ghair Mansus*) implying several probabilities (*Wujuh Mukhtalifah*) — is Wájib for a non-*mujtahid*. But, it is not permissible for a *Mujtahid* to make *Taqleed* of another *Mujtahid*.

Regarding the four *A-imma Mujtahideen* whose *Taqleed* is being made, *tawatur* (successive unbroken transmission of authentic reports from generation to generation) is registered on their being guides and guided; uprighteous and pious; Ulamá of correct understanding and of practice according to Deen; of lofty intellectual insight and *Ijtihad*. Furthermore, *Ijma'* (consensus of the Ummat) exists on the fact that after the fourth century (of the Islamic era) the *Door of Ijtihad* has been closed, hence *Taqleed* of one of the four *A-imma* is compulsory, as has been claimed with proof earlier.

DIFFERENCE BETWEEN QIYAS AND OPINION

Qiyás (analogical reasoning) is authenticitated as *Daleel Shar'i* (Proof of the Shariat). It is based on and supported by the Qur'án, and Hadith. On the contrary, opinion is not supported by *Daleel Shar'i*. It is pure conjecture of an individual's understanding. In this regard Hadhrat ALI (radiallahu anhu) said:

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"If the Deen was by means of opinion, then the lower surface of the Khuff would be more befitting for masah than the upper surface, but I saw Rasululláh (sallallâhu alayhi wasallam) making masah on the upper surface."

(Abu Dawood)

A similar statement has been reported of Imam Abu Hanifah (rahmatulláh alayhi).

Once Imám Abu Hanifah (rahmatulláhi Alayh) visited Imám Báqir who said:

"You oppose the ahádith of my grand-father (i.e. Nabi-salalláhu alayhi wasallam) on the basis of opinion (Rá-i).

Observing the greatest of respect, imám Abu Hanifah (rahmatullah alayh) said:

"I seek refuge with Allah! Who can oppose hadith?"

The following discussion then took place.

Imám Abu Hanifah: *Who is the weaker of man and woman?*

Imám Baqir: *Woman*

Imám Abu Hanifah: *In inheritance whose share is greater — man's or woman's?*

Imám Baqir: *Man's share*

Imbm Abu Hanifah: *If I had to decide on the basis of opinion, I would have said that woman being the weaker should have a greater share. This is the conclusion of opinion.*

Imám Abu Hanifah: *What is afdh al (nobler) — Salát or Fasting?*

Imam Báqir: *Salát.*

Imam Abu Hanifah: *In view of its superiority, Qadha of Salát should be obligatory on the há-idhah (a woman in her state of menses. But her Salat is waived. She does not have to offer Qadhá) and not Qadha of Fasting. Nevertheless, I proclaim Qadha of Fasting.*

These answers overwhelmed Imam Báqir (rahmatullah alayh) with such pleasure and happiness that he kissed Imam Abu Hanifah's forehead.

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Opinion is devoid of the basis of *Daleel Shar'i*. Precisely for this reason was the reasoning of Iblees rejected. His reasoning was in conflict with *Nass*, and such reasoning is termed *Rái* (opinion). On the contrary, the function of the *Qiyás* of the *Mujtáhideen* is for the elucidation of the meanings of *Nusus*. It is therefore said:

“Qiyás manifests (the laws of the Shariat). It does not enact (new laws).”

Thus, acceptance of and practicing according to *Qiyás Shar'i* are not in conflict with Allah and His Rasul (sallalláhu alayhi wasallam). In fact, it is to refer to Allah and Rasululláh (sallallahu alayhi wasallam). *Ijtihad* in opposition to or in the presence of categorical laws (*Nass Qat'i-ud dalalat*) is not lawful. The need for *Ijtihád* and *Taqleed* arises in the event of opposing statements (*Nusus Muta-aridh*), or where the *Nusus* have several meanings and probabilities, but no particular one has been established. In the first instance (viz, of opposites), for resolving the conflict, the need is for the *Mujtahid* to resort to *Ijtihád* , and for the non-*mujtahid* to adopt *Taqleed*. Similarly, *Ijtihád* and *Taqleed* are essential in the second instance (viz, the case of probabilities) for the stipulation of a particular meaning.

AN OBJECTION

It may be objected: *Nubuwwat* has terminated. This is based on categorical Qur'anic proof. But, how has *Ijtihad* terminated? In the absence of categorical proof, termination of *Ijtihád* is unacceptable.

DISMISSING THE OBJECTION

On closer examination it will be seen that the allegation in the objection is a mere claim without any proof. In fact, it contradicts proof. Although the existence of the faculty of *Ijtihad* is not a Shar'i or intellectual impossibility, nevertheless, it has been in actual fact

non-existent for many ages. The basis for this claim is outlined in the ensuing pages.

(1) Consider a few questions of detail which have not been categorically stated in the Qur'án and Hadith. Let a claimant of self-styled *ijtihád* then deduce the answers to such questions on the basis of the Qur'an and Hadith. Furthermore, he should logically and clearly elaborate and prove by means of the Qur'án and Hadith the *Usul*(Principles) on the basis of which he is employing his process of reasoning and deduction. After formulation of the answers, he should, with fear of Allah and justice, compare his answers with the answers and principles of the *Fuqahá*. If he proceeds in this honest way, then, Insha'Allah, he will discern the weakness and hollowness of his intellect and understanding.

The lofty rank, perfection, understanding and insight of the *Fuqahá* will then become so manifest that the claimant of *Ijtihad* will never again in truth and honesty lay claim to *Ijtihad*.

In this connection, Hadhrat Maulana Thánvi (rahmatulláh alayhi) narrated an incident. Once a claimant of *Ijtihad* met Hadhrat Thanvi (rahmatullah alay) who posed the following question:

“Two persons are on a journey. One is in need of ghusl of janabat and the other is without wudhu. Water is not available, hence both resort to tayammum. The junubi made tayammum for the purpose of ghusl and the other person for wudhu. Who of the two is more suited for Imamate ?”

The claimant of *Ijtihad* immediately said that the one who made tayammum for wudhu is more suitable because his hadith (state of impurity) is of a lesser degree. Hadhrat Thanvi (rahmatulláhi alayh) replied:

This is your *ijtihád* . Now listen to the *Ijthad* of the noble Fuqaha. They say that the one who has made tayammum for ghusl is more suitable for *Imámate* because tayammum is a complete and perfect form of purification (Tahárate Kámilah). Hence, the one who made tayammum of ghusl is equivalent in rank to one who has made ghusl. The one who made tayammum of wudhu is like the one who

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has made wudhu. And, one who has made ghusl is more suitable for *Imamate* than one who has made wudhu. Here too, the **mutayammim* of ghusl is superior.”

Hearing this exposition, the claimant of *ijtihád* was silenced.

(2) The authorities and research scholars of the Deen, after thorough investigations discovered that the faculty of *Ijtihád* terminated after the fourth century. This is similar to the case of the *Muhadditheen*. Nowadays there do not exist men with such mind-boggling memories as the *Muhadditheen* of early times. Like this faculty of stupendous memory, — which is not *Nubuwwat* — has ended, so too has the faculty of *Ijtihád* ended. Assuming that the faculty of *Ijtihad* does exist in some persons of this age then too permission to practice *Ijtihad* cannot be granted since this will open a doorway to anarchy. People will become audacious and make any claim according to opinion. This is precisely what is happening *One who makes tayammum.

among some educated people who though unqualified, interfere in the affairs of the Deen.

It has now been proven from different angles that *Ijtihád* and *Qiyas* were prevalent during the age of Rasulullah (sallalláhu alayhi wasallam) and that the execution of these tasks is the function of those possessing the ability, qualification and faculty of *Ijtihád*. The Qur’án Majeed also clarifies this function, asserting that it is not the task of every Sahábi. When this was the case even in regard to the Sahába who were proficient in Arabic (being their mother-tongue) who were men of great piety and uprighteous, then how could *Ijtihad* be permissible in this age for those who possess no proficiency in the knowledges related to Arabic, notwithstanding ability in

Arabic literature? The Sahába were experts in Arabic literature, but in spite of their expertise in this field, everyone among them did not have the right of *Ijtihád*. The prohibition to practice *Ijtihád* will apply in our age to a far greater degree, more so, because of the

dominance of liberalism, self-opinion, personal whim and lowly desire of the *nafs*.

(3) For the execution of the task of *Ijtihád* there arose a special group of men qualified naturally in the highest degree of intellectual perception, insight, and understanding. They were, men of stunning piety and uprightness. Allah Ta'ala had endowed them exclusively with a form of celestial knowledge. Restricting *Ijtihád* to the exclusive few and negating it from general prevalence, Allah Ta'ala states in the Qurán Majeed:

“And when there comes to them a matter of safety or danger, they publicize it. If they referred it to the Rasul and those in charge among them then, verily, those who practice istimbát (qiyas) among them would have known it.”

It will be realized from this áyat that *Ijtihád* not the function Of everyone. This áyat addresses the Sahábah and negates *Ijtihád* as being the right of all. This negation will be directed towards non—Sahábah with greater emphasis.

Qualification — A Requisite

Every occupation or profession requires special qualification. Embarking on a project without possessing the requisite qualification, will result in failure. In worldly affairs every person is able to discern such failure. Failure resulting from unqualified and incapable participation is recognized and understood in mundane affairs. On the contrary, everyone lacks the ability to discern the harm and failure in immaterial things. Only those qualified in Knowledge are able to understand such harm and failure. Only men of knowledge will detect and understand the fallacies, errors and blunders made by the self-appointed *mujtahids* of the time — '*mujtahids*' totally devoid of the ability and knowledge requisite for *Ijtihád*. In spite of totally lacking the qualifications of a *Mujtahid*, such self-proclaimed claimants to *ijtihad* resort to *ijtihad* on the

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basis of a mere study of some books without the guidance of even a qualified instructor and tutor.

Now that it has been explained that requisite qualifications for any task or profession are essential, it should be understood that this applies likewise to *Ijtihad*. Along with *Taqwá* (fear of Allah) and uprighteousness, there are other requisites of *Ijtihad*. Hadhrat Shah Waliulláh (rahmatulláh alayh) writes in *Al—Insáf*:

*“It is essential that the Mujtahid possesses full comprehension of the (sciences) of the Qur’án and Sunnat pertaining to the laws. (He must have proficiency) in the *Khás Am Mujmal, Mubayyan, Násikh, Mansukh, Mutawatar of Sunnat, etc., and Mut-tasil, Mursal the condition of the narrators, their strength and weakness, Arabic language and grammar, the statements of the Ulama among the Sahába and those after them their Ijma’ and their differences and Qiyas in all its classifications.”*

Expressing eagerness for *Ijtihad* inspite of the total lack of the aforementioned requisites is indeed a grave injustice. It has been seen of people of this age that inspite of being devoid of these requisites and conditions of *Ijtihad*, on the mere basis of their liberalism and desires of the nafs, they uphold as lawful marriage, to two sisters. Even in the presence of water, they maintain that *tayammum* is permissible. Such then is the fallacy of their “*ijtihad*.”

(5) The Example of Worldly Knowledge

In matter of worldly law- law enacted and formulated by man — the authoritative acquisition of knowledge is considered a requisite for the acceptance of legal opinion. Only men properly qualified in law will be permitted to practice as lawyers in court, and only fully qualified persons will be appointed as judges. In the absence of legal qualification one will be barred from practicing as a lawyer in a court of law regardless of the number of law-books studied and regardless of one’s intelligence. The opinion of unqualified men is unacceptable. But the Law of Allah Ta’ala is tampered and interfered

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with by all and sundry despite their lack of qualification and inspite of the vast depth, wisdom and subtleties of the Divine Law. Every man having made a personal study of some, books and having practiced a bit of public speaking considers himself worthy of laying claim to Ijtihad. Innocent and unwary people are deceived into following such unqualified persons.

The deplorable condition of *Ijtihad* of such people of deficient knowledge is open to display. On the one hand their gaze is not on the Proofs of the Shariat and on the otherhand, they consider *Taqleed* to be mental slavery. In this state of intellectual insecurity, when they resort to *ijtihad* , they perpertrate colossal blunders which are ample and clear testimony of the invalidity of their *ijtihad* Quick-wittedness, brilliance of mind, ingenuity, eloquency and elegance of composition, no matter how beneficial, nevertheless, these qualities do not qualify one as a *Mujtahid*. Every natural quality of perfection has its limit within whose confines the quality should operate. Transgression of the limits will bring about elimination of that quality instead of perfection.

*These are are technical terms of the Princples of Fiqh and Hadith

The Qualities of Men of Knowledge

Regarding the qualities of the Ulamá, Allah Ta'ala says:

“Verily, among His servants, the Ulama fear Allah.”

“The people of knowledge are the establisers of justice.”

“Ask the people of knowledge if you do not know.”

“Those who are grounded in knowledge....”

“Those who have been endowed with knowledge said: Destruction upon you! The reward of Allah is best for him who believes.”

The following appears in the Hadith Shareef:

“The nobility of knowledge is better than the nobility of worship.”

“He who practices according to what he has learnt, Allah will endow him with such knowledge which he has not learnt,”

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“He for whom Allah desires goodness, Allah endows him with understanding in the Dean.”

“The noblest of my Ummat are its Ulama — its merciful ones.”

“Acquire knowledge and teach it to mankind. And acquire for dignity and tranquility.”

The following are some of the statements of the early Ulamá of Islam. Imam Málik (rahmatulláh alayh) said:

“Knowledge is not narration in abundance. Knowledge is a Nur inspired into the heart.”

Imam Shafi (rahmatulláh alayh) said:

*“I complained to *Waqee’ about my weak memory. He advised me to abandon sin For, verily, knowledge is a Nur from Allah. And, the Nur of Allah is not awarded to the sinner.”*

Hasan Basri: (rahmatulláh alayh) said:

“Knowledge is divided into two, viz, knowledge in the heart. Such knowledge is beneficial. And, knowledge on the tongue. That is the Proof of Allah against the son of Adam.”

The aforementioned Qur’anic áyat, ahádith and statements reveal that knowledge is of two *The Ustád of Imam Sháfi kinds. The one kind consists of mere study of the external words without bothering about the respects of knowledge and without the inculcation of the qualities of the people of knowledge. Such knowledge is insufficient for understanding the Divine Laws and for imparting it to others. Our protagonists of *Ijtihad* have been deceived in this regard.

The second kind is true knowledge — the knowledge of the heart. Such real knowledge is termed *Ilm Rabbani* and *Ilm Wahbi* as well. Along with this true knowledge, by virtue of acting in accordance with knowledge, the qualities of fear of Allah, His remembrance, steadfastness, firmness in knowledge and piety are engendered in the man of knowledge, by virtue of acting in accordance with

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knowledge. By Divine dispensation the Alim of such knowledge is imbued with the effulgence of divinely-endowed knowledge, love for the Ummat, dignity, grace, preserverence, independence, contentment, the *Nur of Ijtihád*, and the *Nur of Ma'rifat*. Imbued with the fear of Allah, such Ulama are not deterred from proclaiming the *Haqq* because of any fear of mankind. As a result of their *Hilm* (preserverence) they are not antagonized by the persecution of people. Because, of *Istighna* (independence) the severest condition of poverty does not reduce them to beg from mankind.

A study of the lives of these pure, honest and uprighteous men who were the divinely-appointed repositories of the Nur of Ijtihád, will clearly show that they were embodiments of perfection of all these lofty qualities in totality. Their honourable lives are testimony of the Divine Fear which permeated their lives. At no stage did they advertise their knowledge on their tongues.

The state of *Ibádat* was such that for forty successive years Fajr Salat was performed with *Ishá wudhu*. The state of piety was such that even sitting in the shade of the building of a debtor is not tolerated. At times, flogging had to be suffered in the proclamation of the *Haqq*. At times they were exiled. At times they were imprisoned for refusing to accept governmental posts. But, these *Ahle Haqq* remained firm on the truth inspite of the persecutions. Steadfastly, they proclaimed the *Haqq*.

A REQUEST TO THE LOVERS OF IJTIHAD

The protagonists of Ijtihád of our day and the lover of modernity, on the basis of their shallow knowledge, are eager to emulate the noble predecessors in the aspect of *Ijtihad*. Did they ever wish to emulate the great *Mujtahideen* in the aspects of *zuhd* (abstinence, taqwa (piety), *khashiat* (fear of Allah), *inábat* (penitence), *ihsán wa ikhlás* (sincerity), *ibádat* (worship), and *akhláq* (morality)? The Qur'án and Ahadith are explicit that these lofty qualities are essential requirements for men of knowledge. The men, viz. *Mujtahideen*,

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whom Allah Ta'ala granted the special and perfect ability of Ijtihád were embodiments of these lofty virtues, and qualities, but these aspects of their lives are being ignored whereas this spiritual dimension of their life should have been the object of emulation, and not their exclusive ability of *Ijtihad*.

Today, our condition of life is devoid of *taqwá* and lacks obedience to the Laws of Allah. We

*The Ustád of Imam Sháfi.

have subjugated the Deen to our lustful desires. We mock and jeer those who in these times of *fitnah* remain steadfast on the Deen without fear of the criticisms of those who insult.

The clamour is for the formulation and compilation of a system of modern jurisprudence. Leave aside such formulation by way of *Ijtihád* from the Qur'án and Hadith, our inability in knowledge is so shocking that we fail to even understand correctly the details which the *Fuqahá-e-Kirám* formulated on their principles derived by way of *Ijtihád* directly from the Qur'án and Hadith. Hence, the desire to emulate the illustrious Fuqaha in the aspect of *Ijtihad* inspite of our intellectual, academic, moral and spiritual degeneration and stagnation is total ignorance and childishness.

THE DECEPTION OF BEING A MUJTAHID

Those of our day are confused by a deception. In view of some information — smattering of personal knowledge — which they have gained, they consider themselves to be '*mujtahid*'. Personal study — without the guidance of an Ustád — of some books on history, some branches of Deeni knowledge, and a superficial glance at the Qur'án and Hadith do not qualify one as a *Mujtahid*. It is for this very reason that the *Fuqahá-e-Kirám* stipulate, even for a *Mufti*, the acquisition of *Fiqh* from an expert *Ustád* inspite of the fact that the function of a *Mufti* is not *Ijtihád*. His duty is the transmission of the Math-hab. Allámah Ibn Abideen (rahmatullah Alayh) said .

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“Even if a man memorizes all the books of our masters, then too for the purpose of Fatwá it is a requisite that he obtains instruction from an Ustad so that he be guided towards it (Fatwa).”
(Uqud Rasmul Mufti)

PRACTICAL PROOF OF THE NONEXISTENCE OF THE ABILITY OF IJTIHAD

In actual fact, the lovers of modernity wholly lack any ability of *Ijtihád*. In spite of their vociferous calls for the formulation and compilation of a “new fiqh” by way of *ijtihád* and in spite of all the emphasis they display on this aspect in their writings, they have to this day failed to promulgate from the Qur’án and Hadith rules pertaining to even wudhu, leave alone the called for “new fiqh” (*Jadeed Fiqh*). This is a clear admission of defeat and a demonstration of their total inability of *Ijtihad*. In their hearts, they too realize their inability to practice *Ijtihád*. If not, then those who lay claims to *Ijtihád* and brand *Taqleed* as mental slavery, should at least for their own use resort to *ijtihád* and formulate the rules for all their *ibádát* and other affairs. But, they have failed in this challenge.

CONFLICT WITH THE SALF (PIOUS PREDECESSORS)

Instead of the “new fiqh” — compilation, it has been observed that these claimants of *‘ijtihád* have merely made some baseless and unreasonable contradictions in certain issues of the *Mujtahideen*, and they consider these few contractions as their new accomplishment. Their *‘ijtihád* ’ consists of changing and adulterating the Shariat on the basis of their opinion. According to their opinion, the *Ahkám* are not the main issue. Their aim is the fulfilment of their assumed needs:

They attempt to mould the Deen to conform to their requirements. It is quite evident that this method of battering Deen by opinion is

the product of irreligiosity. They should reflect for a while. Can a code which could be twisted and turned to conform to one's need and fancy be a religion of truth?

AN EXAMPLE OF CORRUPTED IJTIHAD

The claimants of *Ijtihad* are of the opinion that the rules of the Shariat should be changed to accommodate needs. One such lover of '*Ijtihad*' writes about a "living example" of such "*ijtihád*" enacted to conform to the need of a particular occasion at a religious gathering. Explaining this example of '*ijtihád*' he writes:

"During the gathering, due to abundance of people, long rows lined up by the taps for wudhu of Fajr. It was realised that if people had to wait for water, the sun will rise and thousands of people will miss the 'Fajr Salát. In view of the circumstances, the Ulamá of the Jamát, in order to solve the problem, announced over the public address system that those who have no hope of making wudhu within time should, inspite of the presence of water, resort to tayammum and perform the Salát. It is difficult to ascertain the percentage of people who made tayammum inspite of the presence of water, and performed Salát. But, it is a fact that after this announcement numerous people performed Salát with tayammum."

(Math-hab and Modern Mind — by Dr. Musheerul Haq.)

For this exigency there exists a categoric ruling of the Shariat. Tayammum in this case was not permissible. Wudhu is to be made, even if the Salat has to be rendered Qadhá. When these people realized the inconvenience of bringing water from elsewhere, they discarded the wudhu on the basis of opinion. The Salát performed in this manner has been destroyed. It is obligatory upon them to perform Qadhá of the Salát.

In employing their reasoning these people compared the Fajr Salát with Janazah Salát and Eid Salát. However, such reasoning is erroneous. With regard to tayammum, the *Fuqaha-e-Kiram* have divided *Ibadat* into two classes. One kind consists of *Ibadat* which is

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not replaceable by a substitute in the event of it not being discharged, e.g. Janázah Salát, Eid Salat, etc. The second kind are those *Ibádat* which have substitutes, e.g. the daily Salát, Juma' Salát and Witr. These are-replaceable in the event of omission. The substitute of *Ada Salát is Qadhá*; That of *Juma' is Zuhr*. In these instances (the cases of substitutes) if waiting to make wudhu results in the lapsing of the time of the Salát, then too, tayammum is not permissible. Wudhu must be made even if the Salat is rendered *Qadhá*.

“Similarly, if by making Wudhu it is feared that the time will lapse, tayammum is not to be made. What has been omitted has to be fulfilled as Qadha, because of the existence of a substitute of the omitted Salat. (the substitute being) Qadhá.”

(Hidáyah)

‘Tayammum cannot be made if omission of Juma’ is feared. The same applies to Witr because both have replacements.’

(Durre Mukhtár)

The exact exigency which occurred at the religious gathering (mentioned earlier) is explained very clearly by the *Fuqahá-e-Kiram*.

The following appears in *Raddul Mukhtár*.

“If a crowd gathers at a well and obtainal of water is by turns, or a group of people happens to be nude and only one garment is present among them, which could be used in turns for performing Salát, then tayammum shall not be made nor Salát be performed in the nude inspite of knowing that one’s turn will come only after lapsing of the time.”

(Rad-dul Mukhtár)

“If it is feared that engagement in wudhu will result in lapsing of the time, then tayammurn must not be made. Wudhu shall be made and Qadhá of the missed Salát shall be made.”

(Sharhul Bidáyah)

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In view of these categorical *Shar'i* pronouncements, the announcement at the religious gathering regarding tayammum is manifestly erroneous.

The *Hukm* (law) of in place of Wudhu applies to such cases which have no substitutes e.g. Eid Salát

'Tayammum is permissible if it is feared that Janázah Salat or Eid Salát will be lost, the basis being the non-existence of replacements. Thus tayammum is permissible for Salat of an eclipse of the sun and for the Sunan Rawátib.

(Durre Mukhtár)

This single example is a clear demonstration of the depth of the research conducted by the *Fuqaha-e-Kiram* in their process of Ijtihad to deduct *Ahkám*. The *Hukm* changes with slight differences. Such slight differences demanding major change of decree are not even detectable by our superficial glance and Shallow knowledge, but notwithstanding this gross incapability, we are constantly concerned with Ijtihad.

Ponder over the importance of Salát. It is indeed a matter of the highest significance. Yet numerous people had indulged in the error because of the baseless speculation of the lovers of modernity who were responsible for the destruction of the Salát of so many people by means of their corrupt '*ijtihad* .' To crown the corruption, they present queer and surprising 'proofs' to back up their baseless '*ijtihad*.'

THE A-IMMA SAlF WERE MEN LIKE US - A CLAIM OF THE PROTAGONISTS OF MODERNITY

It is claimed that the *A-imma-e-Salf* were men like us, not *Ambiyá*, hence they were fallible. Because of fallibility, the modern claimants of Ijtihad are of the opinion that *Taqleed* of the great *A-imma-e-Mujtahideen* is inadmissible.

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We concede that they were not *Ambiya*. We concede their fallibility. It has already been mentioned that the *Fuqahá* themselves believed in such fallibility, hence they said:

'The Mujtahid (at times) errs and (at times) is correct.'

But, it can never be concluded on the basis of the possibility of fallibility that *Taqleed* of these noble souls of colossal knowledge is not valid. *Ijtihád* is contingent on the absence of a clear directive (*Hukm Mansus Sareeh*), In this contingency several probabilities exist with *dála-il* (proofs) for all. In such cases of ambiguity the *Mujtahid* by means of his special *Nur of Ijtihád*, assigns precedence on the basis of special principles (*Usul*) and canons (*Dhawábit*), to a particular probability. The possibility of error in such questions of differing probabilities, therefore, cannot be eliminated. The *Mujtahid*, therefore, proclaims his *Ijtihád* as correct with the reservation that error is possible.

But, this is no licence for opening the Door of *Ijtihád* by the modern protagonists of *Ijtihad* because fallibility does not render the *Fuqahá-e-Kirám* as objects unworthy of *Taqleed* nor does it confirm the lovers of modernity as *Mujtahids*. A doctor of medicine diagnoses and prescribes.

The possibility of error is ever present in his diagnosis and prescription. However, despite the fallibility of the doctor, moreover even after experience establishes that generally due to incorrect diagnosis/prescription of medicine the ailment is not cured, reliance on him is not rejected nor do people refrain from making his "*taqleed*" in matters of health and medicine. In the field of medicine the layman acknowledging his incompetency and ignorance, places reliance on a qualified doctor regardless of the possibility of error in diagnosis and prescription.

Regarding mundane affairs, inspite of the existence of the possibility of error, reference is made to experts for a solution to problems and then reliance is placed on their opinions. But when precisely the same exigency arises in Deeni matters then a man who is ignorant of even the *Faráidh* of wudhu, considers himself competent to criticize

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Imam A'zam Abu Hanifah (rahmatullah alayh). He proclaims with shameless audacity and sarcasm:

“Is Abu Hanifah a Nabi? He is not infallible. Why should his *Taqleed* be made?”

This criticism and attitude of those who are enslaved to the experts of worldly sciences are most shocking and shameful. They lack even basic Deeni knowledge, but feel free to rebuke, revile and vituperate the great Masters of Islamic Knowledge, the champions of truth and honesty, the pillars of knowledge and Ijtihad. Their knowledge and piety have no comparison. The Hadith Shareef has predicted such tongue-wagging and spitting of vituperation against the valiant stars of Islamic knowledge of former times as signs of the approaching *Qiyámat*.

THE RIGHT OF CRITICISM

It is, claimed that no person is above criticism. Let it be known that it is an established fact that to criticize an expert of a particular science — i.e. to recognize his errors and fallacies — it is essential that the critic be superior in knowledge. If not superior, then at least on par with the one who is his target of criticism. Hence, criticism of these great and noble *A-imma-e-Mujtahideen* on the mere basis of gleanings of information is an exhibition of one's ignorance and shameless audacity, In the absence of superior knowledge or equivalent knowledge, one is not entitled to criticize.

The basis of all criticism levelled against the *A-imma-e-Mujtahideen* is ignorance. The *Masá-il* (rules of religion) which reach people are usually not accompanied by *dala-il* (proofs). The *Mujtahid* has the *daleel* for the *mas'alah*, but frequently the *daleel* is not transmitted (*manqul*). Those whose minds cannot fathom the *dala-il*, in ignorance commence their criticism.

TAQLEED OF THE SCIENTISTS

Science is a knowledge of mere observation and experiment. The differences of opinion among scientists are indeed great and marked. On a single question different opinions are advanced. Theories continually change from time to time. Continuous change from theory to theory is proof of their errors of ever-changing opinion. But in scientific knowledge “*taqleed*” of the scientists is not given up. Their conceptions and theories are accepted word for word. The benevolence of the scientists upon mankind is further even acknowledged.

On the contrary, when the subject of Ijtihád of the *Mujtahideen* who devoted and sacrificed their entire lives in the service of Deeni Knowledge, is brought up, various types of baseless criticisms are levelled at them and their lofty ranks are denigrated. The style of criticism resorted to, implies that those mighty souls who strode the firmament of Islamic Knowledge are inferior in knowledge to the present-day claimants of “*ijtihád*”.

The only reason for honouring the experts of mundane knowledge and dishonouring the experts of Deeni Knowledge is appreciation and love for the world and its votaries and disrespect and contempt for the Deen and its upholders. But, in all truth, the *ihsán* (favour, kindness, benevolence) of the noble *A-imma-e-Mujtahideen* will hang over humanity until the Day of Qiyámah. If these noble predecessors did not devote and sacrifice their lives in the knowledge of the Deen, formulating and systematically compiling it, then today it would have been most difficult to understand the pure Deen and act accordingly. Gross misappropriation of the Deen is being witnessed daily. Any, man considering himself “intelligent” resort to interpretation of the Deen seeking to conform the Deen to his desires. In consequence, the claimants of “*Ijtihad*”, by their corrupted forms of “*ijtihád*” render *halal* as *háram* and *haram* as *halal*.

BLIND TAQLEED OF THE ORIENTALIST ENEMIES OF ISLAM

An amazing phenomenon is the blind following of the káfir, orientalist enemies of Islam by the lovers of modernity who criticize the *A-imma-e-Mujtahideen*. These blind followers of the orientalists accept without demanding proof the “islam” presented by these enemies of the Deen. In every question the group of modernists follow blindly the orientalists. Our lovers of modernity lay down (in awe and admiration) their intelligence, understanding, ability, knowledge and even their Deen at the feet of the research of the orientalist scholars. But when the exposition and research of the Deen by the *A-imma-e-Mujtahideen* are presented to them, they consider acceptance of it a belittlement of their dignity and label such acceptance as “mental slavery.” The perversity and obstinacy of their minds do not permit them to accept the research of the great *A-immah*. In rejecting the expositions of the *Fuqaha*, the protagonist of “reasoning” asserts the need for a “Modern” *Ijtihad* to suit these modern times.

Here on earth the penalty which the modernists are suffering for dishonouring the *Ahle Haqq* is the imposition on them of the “*taqleed*” of the *kuffár* enemies of Islám. They have accepted such *kuffar* as the Imáms of their “deen”. What greater ignorance and deception could there be?

“O Allah! Show us the haqq as haqq and endow us the ability to follow it. And, show us bátil as batil and guide us so that we abstain from it.”

CHANGING CIRCUMSTANCES?

The strongest “daleel” for the clamour of modern “*ijtihád*” is their claim of changing circumstances of the world. They assert that the change of world circumstances warrants modernity in the Deen. Since (in their opinion) the *Ijtihádat* (principles and rules formulated on the basis of *Ijtihad*) are insufficient for this scientific age. On this

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fallacious premiss they argue that modern interpretation and exposition of the Deen are essential for attracting the modern mind to Islam.

Firstly, this argument of the modernists is an ambiguous claim. Let them pin-point exactly, after all, which Masa-il (questions and rules) due to modern change require alteration and abrogation under the ostensible guise of modern interpretation. We may then further scrutinise such particular issues.

In refutation of their baseless claim, it will suffice to mention that Deen is not the product of man's efforts. It is the Deen perfected by Allah Ta'ala, the Aleem (The One of all-encompassing knowledge) and The Khabeer (The all-knowing and fully aware) and despatched for regulating our lives until the Day of Qiyamah. It, therefore, does not admit change and abrogation due to changing circumstances and conditions. Every Muslim implicitly believes that in Islam are answers for all developments and contingencies until the Day of Qiyamah.

TAHREEF IN THE NAME OF IJTIHAD

The desire for *Ijtihad* is generally for the purpose of *Tahreef* (changing and mutilating) of the Deen. Truly speaking, the votaries of modernity by presenting the bug-bear of changing conditions and modern developments desire the formulation of a new religion under the guise of modern interpretation. In the quest to attain fulfilment of this desire they attempt to operate under cover of *Ijtihad*. The "Muslim Personal Law" is ample testimony of this attempt. In the promulgation of (the so-called) "Muslim Personal Law" these modernists invite the employment of "*ijtihád*" in questions such as polygamy, stipulation of mahr (dowry), inheritance of orphaned grand-children and other categorical laws (*Sareeh Ahkám*). But, *Sareeh* and *Mansus Ahkám* do not admit the operation of *Ijtihád*.

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The reasons presented for the desire to amend these Masa-il are not the crop of modernity. Such reasons existed from the earliest time of Islam, viz. *Khairul Qurun*. If these reasons constituted valid basis for changing the laws, then such amendment would have been effected long ago. The rigours of this task would not have been left for these gentlemen (of modern '*ijtihád*').

It has now been made plain that the actual motive underlying the clamour for *Ijtihad*, is the mutilation and transformation of the Deen into a new religion which will accommodate their love for modernity, worship of opinion, liberalism and lowly desires. But, it should be clearly understood that such a newly invented "religion" will be a totally separate entity having absolutely no relationship with Islam. Any such modern, invented concept will in fact be a crude medley of opinion.

CORRECT GUIDANCE FOR THE MODERN MIND

If the aim is to correctly guide those minds enslaved to opinion, science and to the love of modernity, then such guidance cannot be offered by transforming the accepted principles and laws of the Deen. The correct method of guidance is to explain the *Ahkám* of the Deen to the best of one's ability and wisdom. It has to be explained to them that the various principles and laws of the Deen have to be accepted within the purview of man. Acceptance of the laws of the Shariat is not dependant upon our understanding, but rest upon the truth of being revealed by Allah Ta'ala.

Endeavours should be made to eliminate their doubts so that the truth and authenticity of the *Ahkám* settle in their minds. This is the limit of our endeavour and mission. Further, to impose acceptance upon them is not within the scope of our obligation, for such imposition is beyond human volition.

MAN'S INTELLIGENCE - FINITE

It should be understood that like the physical senses of man are finite and limited, so too is our faculty of reasoning and understanding. The senses of hearing and seeing have their limits beyond which they cannot operate. If sounds and objects beyond the operational range of the senses of hearing and seeing cannot be detected, then such inability is no *daleel* (proof) of non-existence, but on the contrary, the inability to detect is the result of the deficiency of hearing and sight. Similar is the case of our intellect due to its limit of operation. Restricting the intellect within its operational confines is in fact a great accomplishment. Traversing beyond the confines of the intellect's limit is not an act of wisdom, but is in fact, ignorance. Concepts and existences beyond the limit of our intellect, cannot be refuted on the basis of our lack of comprehension.

Complete comprehension of even material and finite objects and concepts is beyond the scope of our intellect. We cannot understand fully the diagnosis and prescription of an expert of medicine. Without understanding the effects and efficacy of the remedy, the medicine is utilized by mere reliance on the expert. The remedy is not shunned because of failure to comprehend its nature, effect and efficacy, nor is it labelled contrary to reason. If this is the degree of lack of understanding in the finite and material realm then what will be the extent of our inability to comprehend the limitless and infinite wisdoms, secrets and mysteries of Allah Ta'ala, Aleem and Khabeer? Man's finite intellect cannot fathom and attain His Wisdom.

It must now be understood that failure to comprehend the wisdom underlying any law of the Divine Shariat is due to the finite nature of the intellect not being able to encompass the infinite wisdom of Allah Ta'ala. It is therefore grossly unintelligent to brand the law as contrary to reason on the basis of our lack of comprehension.

Once the law of Allah is known, it devolves upon the servant to render obedience. Subjects may enquire from the ruler what the

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laws are. They are not entitled to demand the wisdom on which the law was enacted. This is an accepted principle regulating order among mankind. What then should be our attitude towards the *Law of Allah Ta'ala, Ahkamul Hákimeen, Kháliq, Malik, Aalimul Ghaib Wash-Shahadat?*. To demand the Divine Basis of His Law is indeed puerile and a grave injustice. How staggering is our ignorance when we seek to alter, mutilate and abrogate Allah's law because of our inability to comprehend the Divine Wisdom on which such Law is based? Injustice and transgression in the extreme!!!

The correct method of *Tabligh* of the Deen to the mind overwhelmed by the love of modernity is to impress upon them the dignity, honour, reverence and truth of Islam. If they possess a true yearning for the truth and they banish alien and baseless influences from their minds, then *Insha' Allahul Aziz*, the *Tabligh* will prove beneficial to them.

On the contrary, if out of deference to their love for modernity a 'religion' of modernity is invented for them, then this will not be *Tabligh*, of Islam. Instead it will be *Tahreef* (alteration and mutilation) of Islam, the consequence of which will be enslavement to the *nafs*. Such slaves of desire will exclude from the Deen every act displeasing to the *nafs*, labelling it an obstruction. This is what is being witnessed nowadays. May Allah guard us against such deviation.

THE SIMILITUDE OF IGNORANT FRIENDS

By some coincidence a king's hunting falcon landed into the custody of an old lady. The senile lady, considering it an act of sympathy, cut the bent and crooked beak and claws of the bird. The crookedness of the beak and claws appeared to her as defects.

This is exactly the kind of sympathy and concern which the modernists show towards the Deen. They further cap this puerile attitude with the *zulm* (injustice) of considering it a wonderful modern accomplishment.

MYSTERIES AND WISDOMS: AN ERROR

At times certain mysteries and wisdoms are cited by the modernists as a shield for their “accomplishment of modernity”. However, such mysteries and wisdoms were expounded by authorities such as Imám Ghizáli, Imam Rázi, Ibn Taymiyah, Ibn Qayim and Shah Waliulláh (rahmatulláh alayim) as mere finer points of knowledge.

Mysteries and wisdoms are not the *Illat* (cause) of the *Ahkam*. The laws are not based on such mysteries and wisdoms. But such mysteries are fixed as the basis of the laws by the modernists who then seek avenues for their corrupt *‘ijtihád*. Thus they effect such corruptive changes in the law in the name of Ijtihád, for which there is absolutely no accommodation in the Deen.

THE ACCUSATION OF NON-TALEED

Some sons of this age and lovers of *ijtihád*, in substantiation of their concept of *Adm Taqleed* (negation of *Taqleed*), cite the illustrious names of certain Aslaf (great authorities of the Deen of the early times). It is only natural that the masses in general, as well as some unsuspecting learned men will be impressed by such awe-inspiring names. But, men of research knowledge are not in the dark regarding this question. The illustrious personalities whose names are cited by the claimants of *Ijtihad* of this age were all subscribers to *Taqleed*. They themselves, were the *Muqallideen* of the noble *A-imma-e-Mujtahideen*. In the majority of cases where some differences existed due to some other *dala-il*, these illustrious men retracted their decrees.

Such an example is the case of Hadhrat Shah Ismail Shaheed (rahmatullah alayh) who at one stage resorted to *Rafa’ Yadain* (raising of the hands during Salát). According to Shah Abdul Aziz (rahmatulláh alayh), he refrained from this practice after Hadhrat Shah Abdul Qádir (rahmatullah alayh) convinced him of the error. Accordingly, when Hadhrat Shah Ismail Shaheed (rahmatulláh alayh) asserted the revivification of a dead Sunnat as the reason for his

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Rafa Yadain, then Shah Abdul Qadir (rahmatullah alayh) explained that the command to revive a Sunnat applies where a practice exists in contradiction of a Sunnat, whereas in opposition to *Rafa'Yadain* is not an anti-Sunnat practice. On the contrary *Rafa' Yadain* is opposed by another Sunnat practice. Hearing this explanation, Hadhrat Shah Ismail Shaheed (rahmatullah alayh) retracted his earlier view.

WARNING: In most cases the writings, of these lovers of Ijtihad contain blunders which corrupt and despoil the minds of people. It is therefore imperative to refrain from reading the books of such incompetent and unqualified votaries of modern thought.

MODERN INTERPRETATION OF THE PRINCIPLES OF THE SHARIAT

The lovers of modernity argue that the fundamental principles of the Shariat should be studied and expounded in the light of modernity and changing circumstances so that the Deen could be made appealing to the modern mind. In reality this is a conspiracy to transform the Deen. They, themselves, have betrayed this plot. The motive underlying the desire for a modern study and modern interpretation of the fundamental principles of Islam is to secure an exposition based on personal desire and opinion. This modern exposition envisages the shelving of *Fiqh, Hadith, Tafseer, Kalám* and all branches of Deeni Knowledge. It implies their rejection on the grounds of antiquity — that the various branches of Islamic knowledge have outlived their utility since they applied to the particular ages of early Islam. These people fail to realize that they possess no mandate from Allah Ta'ala to embark upon such transformation of the Shariat.

SUBJECTING ISLAM TO DESIRE

The situation of the age have degenerated to such proportions that desire of the *nafs* is considered synonymous with circumstances of the age. And, *Na-uzubilláh!*, the Deen is being subjected to such

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desire. The motive is to march with the times so that every thing of the time which appeals to desire could be proclaimed lawful, and whatever *Hukm* seems difficult or displeasing to the *nafs*, could be excised.

Therefore, the motive and basis for the clamour for *Ijtihad* and ejection of *Taqleed* are our lowly desires. We desire to expend our lives in the desires of the nets and at the same time seek to designate ourselves with the title of Islam. We seek the protection of Allah.

It is necessary to ponder. If Islam has to be subjected to desire, then how will man remain the servant of Allah? In fact he will be the slave of his passions.

MASA-IL WHICH REQUIRE IJTIHAD

When these lovers of modernity, vanquished by the times are asked: "Precisely which *masa-il* require Ijtihád in the light of modern developments?",

then in most cases they present *Mansus Ahkám*, e.g. polygamy, inheritance of orphaned grand-children, Nikah, Taláq, etc. But, these *Ahkám* are *Sareeh* (categorical, the Shariat having issued emphatic decrees on these subjects) which does not permit the admissibility of Ijtihád.

Furthermore, the circumstances and conditions on which they seek to justify change and abrogation are not new or modern developments. Such contingencies existed from the earliest times. Under the guise of Ijtihad they desire *Tahreef* (mutilation) of the Deen through the avenues of amendment and abrogation.

SOLUTIONS TO NEW DEVELOPMENTS

It is argued that *Ijtihád* is necessary for furnishing answers to questions such as Salat on a plane, radio and telephonic communications regarding information, injections during fasting and

other new developments. But, in reality no new or modern '*Ijtihad*' is required for this. Such developments will be brought within the scope of the Shariat on the basis of principles and canons already formulated and systematically compiled for such exigencies.

Until today, as many new questions and developments there arose, none has been left unanswered. Our seniors have provided the answers and solutions for all these modern developments. And, *Insha'Allahul Aziz*, answers for all future developments will be forthcoming on the basis of *Shar'i* principles.

It is most unintelligent to conceal behind the screen of a few developments of the age and clamour for the abrogation of the vast edifice of *Fiqh*, established and systematically compiled by the noble *Fuqaha*. The motive is nothing but a desire for Ijtihád which could be employed to secure the desired goal of transforming and cancelling the Deen to conform to the *nafs*.

AMENDING THE LAW - WHOSE RIGHT?

The right of amending a law is the sole prerogative of the authority enacting the law. Agencies subservient to the promulgator of the law possess no authority to amend the law. This is an accepted principle which should be utilized in matters of the Shariat as well.

The Promulgator of the Shariat is Allah Ta'ala, Ahkamul Hákimeen. Amending the Shariat is His sole prerogative which was in operation during the blessed life of Rasululláh (sallalláhu alayhi wasallam). Even Rasululláh (sallalláhu alayhi wasallam) was not entitled to effect any change and abrogation in the Laws of Allah. When this right was not granted to even Nabi (sallalláhu alayhi wasallam) then who else can claim this right?

Now, any person or group perpetrating such change and amendment will most assuredly be guilty of kufr, dhalálat; baghawat and isyán. — i.e. disbelief, deviation, treason and disobedience. A group resorting to such crime will be astray and those following it will be likewise astray.

WITH SINCERITY, ABILITY IS A REQUISITE

It is also argued that this “service of *ijtihád*” is being rendered with sincerity in the interests of the Deen. But, *ikhas* (sincerity) is a condition of the heart which is beyond the scope of this discussion. Sincerity alone is not sufficient for the correctness and success of a task. Along with sincerity, full ability and qualification are essential requisites.

The consideration of sincerity will not exonerate a man from the crime of destruction and blunder wrought by his inability and lack of qualification.

PRACTICING IJTIHAD WITHOUT QUALIFICATION

It has been said that if the modern lovers of *Ijtihad* commit any errors in their reasoning, then they are not blameworthy because even the *Mujtahideen* of former times committed errors. Such errors were confirmed by their retraction (*ruju'*).

In refutation of this claim, we firstly negate the assertion that these modernists are *Mujtahids*. If they were qualified *Mujtahids*, it would have been conceded that commission of error does not render them blameworthy. But, in reality, their corrupt forms of “*Ijtihad*” are clear evidence of them being non-*mujtahid*. The list of corrupt *ijtihád* perpetrated by these men in *Sareeh* and *Mansus* laws which do not admit the slightest possibility of *Ijtihad*, is indeed formidable. An expert driver is also liable to err, but if a totally unqualified driver makes an accident and justifies himself by citing the error of a qualified driver, then such blatant and baseless defence will not be acceptable, neither by intelligence nor in a court of justice. Similar is the example of the lovers of modernity who are wholly lacking in the qualifications requisite for *Ijtihad*. Practicing “*ijtihád*” without ability is blunder compounded.

A SAMPLE OF THE BELIEFS OF THE LOVERS OF MODERNITY

The lovers of modernity who are so desirous of *Ijtihad* consist of different groups, viz, the orientalists, the *muqallideen* (followers) of the orientalists, and the liberalists who criticize the *muqallideen* of the orientalists, but are on par with those *muqallideen* in their desire for *Ijtihad* without ability and qualification.

The opinions of the second and third groups have already been refuted in the previous pages. Hereunder, some samples of the writings of the second group viz, the *muqallideen* of the orientalists, are presented:

(1) The unity of religions is not based on uniformity of details, but on the uniformity of eternal truths which are always and at all places the same, i.e. unity of mankind, unity of Godhood, unity of truth, submission to truth and the quest for the truth. This is the religion of truth and this truth is one. Short-sighted people have remained confined to external forms.

(Deen-e-Iláhi in Retrospect)

(2) The conception of the unity of religions is, nothing but, like natural benefits which are for general use. So too, spiritual benefits are general. Like Allah is One, His creation is one and divine religion is one. Languages are numerous, but the call is one. This is what is called the word of truth.

(Deeni-e-Iláhi in Retrospect)

(3) How full of wisdom is the proclamation of the Qur'án-e-Hakeem that the worship of Allah no matter in which place, which building, and which language it be conducted, the honouring of His Name and that place is the first duty of all mankind . . . mausoleum, place of idolatry, church, synagogue, cathedral, temple, monastery, masjid, etc. — although all are buildings of brick and stone, but in reality by virtue of the Divine relationship they represent the right waves of lofty human aspirations and purity of heart which manifest themselves in different forms of places of worship.

(‘Deen-e-Ilahi in Retrospect)

(4) The Hindu religion which is sarcastically designated kufr was not kufr or in other words, rejection of any eternal truth, nor is it. On the contrary it was the manifestation of a form of truth in ancient India since in accordance with the eternal way of the Lord of the Universe it (Hinduism) is a belief of the truths brought by the divine messengers raised in Hindustan. This kufr is not the disgraceful kufr which is the label for rejection of any truth. But this kufr (i.e. Hinduism) was the ancient truth which in Qur’anic

language is called Islam. Either because of ignorance or lack of consideration these two terms have been looked at through coloured glasses. Those who understood the inception of Islam to be restricted to the heavenly call which rose fourteen hundred years ago in the land of Arabia, branded the prior spiritual, inspirational, heavenly or divine calls which rose in Hindustan, as kufr due to their ignorance.

(Deen-e-Iláhi in Retrospect)

From these writings one will realise the different forms in which the abrogated religions have been presented as truth and basis of salvation.

THE FALLACY OF THE UNITY OF RELIGIONS

The votaries of the fallacious belief of the unity of religions accept as truth all those religions which were abrogated after the advent of Nabi (sallalláhu alayhi wasallam), and proclaim salvation for the followers of such cancelled religions. Similarly, according to them the acquisition of Allah’s Pleasure and salvation in the hereafter are not dependent on the acceptance of the *Nubuwwat* of Rasululláh (sallalláhu alayhi wasallam) nor on Islam.

If these people, for the sake of being called Muslims, regard the Qur’án Majeed as the true book of Allah, they will discover in it forceful refutation of their fallacious belief. The Qur’an states:

“Verily, the Deen by Allah is only Islam”

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Those of knowledge are aware that the effect of the grammatical construction of this áyat is *hasr* (i.e. restrictive) which creates emphasis in the subject matter. In this way the superiority of Islam is asserted. In actual effect it means:

Verily, the only Deen acceptable to Allah is Islam.

A doubt may arise here because of the use of the word *DEEN* in the áyat. There are many religions. What, therefore, is the meaning of the statement:

'By Allah Deen is only Islam?'

It should have been said that the only true Deen is Islam. Why has Deen without qualification (*Mutlaq Deen*) been restricted to Islam? Besides the aspect of *hasr* (restriction) this construction has the effect of *mubalaghah* (emphasis) as well in view of the principle, *"When the mutlaq (a general term without any qualification) is left without qualification, the intent is fard kamil (i.e. the perfect member).*

Hence, the construction of the áyat in effect means:

The perfect Deen is only Islam.

This *hasr* undoubtedly is correct because some religions in their very origin were false while others were abrogated, but in the restriction of the *mutlaq* (here, the word Deen restricted to Islam) is a claim the purport of which is:

Now, the perfect Deen is Islam. In view of this fact other religions are not worthy of being called Deen.

In another ayat it is said:

"Whoever searches for a deen other than Islam, verily, it will never be accepted from him."

Here is a straightforward rejection of all other religions. All religions besides Islam will never be acceptable to Allah Ta'ala — *Najat* (salvation) in the *Akhirat* is not attainable.

Both these ayats categorically, refute the belief of the unity of religions in which *Najat* is not dependable on the acceptance of the *Nubuwwat* of Nabi. (sallalláhu alayhi wasallam).

TAUHID NECESSITATES RISALAT

In spite of rejecting the belief of *Risalat* (i.e. belief in the *Nubuwwat* of our Nabi-sallallahu alayhi wasallam) these people (who propagate the unity of religions) consider themselves to be believers in the One Allah. The meaning of Tauheed envisages the affirmation of all qualities of perfection (*Sifat-e-Kamal*) for Allah Ta'ala as well as the negation of all qualities of defect (*Sifat-e-Nuqs*) from Him.

Among the *Sifat-e-Kamal* one of the qualities is *Sidq* (truth), and among the *Sifat-e-Nuqs*, one of the defects is *Kizb* (falsehood). It is essential for the conception and belief of *Tauheed* that *Sidq* be predicated to Allah and *Kizb* negated. This is one premiss of the argument. Secondly, Allah Ta'ala declares in the Qur'an:

"Muhammad is the Rasul of Allah."

By way of rational proofs (*dalal-ile aqliyah*) it has been established that the Qur'an is the Divine Book, hence it is essential to accept the truth of the information that Muhammad (sallallahu alayhi wasallam) is Allah's Rasul. Hence, he who rejects Nabi's (sallallahu alayhi wasallam) *Risalat* is in fact predicating *Kizb* (falsehood) to Allah Ta'ala, the effect of which is that Allah Ta'ala has (*Na-uzubillah*) spoken a lie in stating that Muhammad (sallallahu alayhi wasallam) is His Rasul. Such an affirmer of falsehood to Allah Ta'ala can have no *Iman* in Allah. It is thus proved that *Iman* in Allah is impossible without acceptance of Rasulullah's *Risalat*.

THE IGNORANCE OF PLAYING WITH THE LITERAL MEANING OF "ISLAM"

In order to, proclaim a person *Muslim* even without acceptance of *Risalat*, these people have rejected the technical meaning of Islam and have accepted the literal meaning of the term. In accepting the literal meaning, viz, submission, they have widened the scope of the conception of Islam to include every person who claims to be worshipping and obeying Allah in any way whatever. They seek to designate such persons, even without their wishes, as Muslims

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inspite of non-belief in the Risálat of Rasululláh (sallallahu alayhi wasallam).

Discontinuance of the literal meaning of a word after the affirmation of a particular or technical meaning is an accepted principle. If the technical meanings of words are overlooked in this manner and literal meanings accepted, then the whole order of the *Shariat* will lapse into disorder and confusion. If only the literal meanings were intended, the mere revelation of the Qur'án would have sufficed. There would then have been no need to appoint Nabi (sallallahu alayhi wasallam) to expound the *Shar'i* meanings of the words.

Let us now see the technical meaning of the word "Islam" expounded by Rasululláh (sallalláhu alayhi wasallám). In a *Riwayát* of Bukhári Shareef, Jib'ra-eel (alayhis salam) appeared and questioned our Nabi (sallallahu alayhi wasallam) on the concept of Islam.

"Jibra-eel said: 'O Muhammad! Inform me of Islam'. He (Rasulullah) said: That you bear testimony that there is no deity but Allah and that Muhammad is the Rasul of Allah; that you establish Salát, pay Zakát, fast during Ramadhan, and perform Hajj at the Ka'bah if you have the means of it."

The motive of Jibra-eel's questions was to clarify to the people the *Shar'i* conception of *Imán* and *Islam*. In this way the *Shar'i* meaning of Islam was defined so that no *mulhid* (athiest) and no *muftari* (fraud) could in the future find the slightest accommodation for their fraud and deception within the scope of the concept of *Shar'i Islám*. This then was the wisdom underlying the questioning by Jibra-eel (alayhis salam) and the answering by *way of Deeni Ta'leem* (instruction) by Rasululláh (sallalláhu alayhi wasallam) on the subject of *Imán* and *Islam*.

The entire *Ummat* have understood *Islam* in the meaning expounded by Rasululláh (sallalláhu alayhi wasallam). It is indeed perpertration of great audacity, fraud and deception to expound in this age a conception of the term in contradiction to the accepted and established meaning. The clear conclusion of expounding such a

contradiction is that — *Na-uzu billáh min thalik* — to this day the entire *Ummat*, from generation to generation, has failed to understand the meaning of Islam and that a handful of lovers of modernity of this age have grasped the correct conception. He who possesses an atom of Imán will never resort to such audacity.

AHLE KITAB CLAIMED LIKEWISE

What is said today by the lovers of modernity has already been claimed by the *Ahle Kitáb* (Jews and Christians) during the time of Rasululláh (sallalláhu alayhi wasallam). They claimed that for their salvation, belief in the last Nabi (sallalláhu alayhi wasallam) was not necessary since belief on the previous *Ambiyá* and obedience to their Laws were sufficient. Although all former shariats were abrogated by the mission of Rasululláh (sallallahu alayhi wasallam), the *Ahle Kitáb*, like our lovers of modernity, were lost in their *ghurur* (pride and deception) of:

“We are the sons of Allah and His beloved.”

(Qur’án)

The Qur’án Majeed with great clarity replies to this baseless *ghurur* by saying:

“Say, if indeed you love Allah then follow me (i.e. Muhammad). Allah will then love you and forgive you your sins. And Allah is Oft-Forgiving, Most Merciful.”

“Say, obey Allah and the Rasul. Should you turn your backs, then verily, Allah loves not the káfireen.

“Verily, he who obeys the Rasul has obeyed Allah.”

If belief in Rasululláh (sallalláhu alayhi wasallam) was not a requisite for *Najat* and *Hidayat*, then the *Ahle Kitáb* would not have been commanded with obedience to the Rasul (sallalláhu alayhi wasallam). The *Ahle Kitab* already believed in Allah, accepted heavenly books, and acknowledged previous *Ambiyá*, nevertheless, acceptance of the *Risalat* of Rasululláh (sallalláhu alayhi wasallam)

was ordained a requisite for becoming a Muslim. In regard to those who rejected the *Risalat* in spite of the categorical pronouncements, the Qur'an declares:

“Verily, those among the Ahle Kitab and Mushrikeen who committed kufr, will be in the fire of Jahannam, dwelling therein forever. They are the worst of creation.”

If after Rasululláh (sallalláhu alayhi wasallam) following on abrogated religions was sufficient for *Naját* and if belief in Rasululláh (sallalláhu alayhi wasallam) was not a condition for *Naját*, then why were the *Ahle Kitab* proclaimed *káfir* and assigned to everlasting damnation by the Qur'án? If their religion was the religion of truth, sufficient for salvation as is being claimed by the promulgators of the belief of 'unity of religions' then they (*Ahle Kitáb*) should have been described as *Naji* (attainer of salvation) and not *Nari* (inmate of the Fire of Jahannum). But, the Qur'án most emphatically affirms *Nar* (Jahannum) for them — not *Naját*.

It should now be clear beyond the slightest shadow of doubt that to believe that the basis of *Najat* is acceptance of any of the *mansukh* (abrogated) religions, without acknowledging the *Nubuwwat* of Muhammad Rasululláh (sallallahu alayhi wassallam), is gross ignorance.

THE MANSUKH RELIGIONS

Mansukh (abrogated) religions are comparable to the laws of previous governments. All previous kings and governments were legal authorities in their respective times. During their reign or office of rule acknowledgement and acceptance of their laws were compulsory. However, it will be a crime in the present age to act in accordance with any previous law abrogated by the reigning authorities. Acting in accordance with abrogated laws will never be condoned on the basis of the interpretation that such laws were also enacted by a parliament or king.

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Similarly, in matters of Deen, it should be understood that a Nabi is the Divine Messenger and not the founder of a religion. The Promulgator and Founder of religion is Allah Ta'ala. Therefore, even Rasulláh (sallalláhu alayhi wasallam) was not entitled to amend and abrogate the *Ahkám*. Since Allah Ta'ala has through the agency of Rasulallah (sallalláhu alayhi wasallam) abrogated all former religions and handed to him the final and perfect *Shariat*, obedience to it (*Shariat of Islam*) becomes compulsory. Obedience to former religions is therefore wholly insufficient for *Najat*.

In this regard, Rasulláh (sallalláhu alayhi wasallam) said:

“If Musá was alive, he would have had no choice but to follow me.”

(Mishkát)

Similarly, Nabi Isa (alayhis Salám) during his second advent, will be a follower of Rasulláh (sallalláhu alayhi wasallam) notwithstanding the fact that he is a Nabi. After his decent to earth he will be a member of our Nabi's Ummat. Who then has the right to follow a *mansukh* religion in the quest of *Najat*?

It is indeed surprising that our lovers of modernity proclaim the acceptance of *mansukh* religions as a basis for *Najat*, but never do they advocate in mundane law obedience to previous laws abrogated by the existing ruling authorities.

FALLACIES OF THE ORIENTALISTS

A few samples of the fallacious concepts of the orientalist are now presented hereunder. These are the people whose “*taqleed*” is being made by the lovers of modernity.

(1) Immediately after Rasulláh (sallalláhu alayhi wasallam), the lifestyle and practice of the Nabi (sallalláhu alayhi wasallam) became the basis for the formation of a new group of Muslims.

(2) The Muslims, themselves, effected substantial interpolation into the Sunnat of their Nabi (sallalláhu alayhi wasallam). This process of interpolation has permeated the Sunnat so much that the collective

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results of Muslim thought have been designated as the Sunnat of the Rasul (sallalláhu alayhi wasallam).

(3) Sunnat of the Rasul (sallallahu alayhi wasallam) is a later concept. In other words it is not the same as the Sunnat existing during the initial age of Islam. In the initial age “Sunnat” referred to the acts of the Muslims.

The above are merely some of the baseless concepts formulated by the orientalist.

Resorting to blind following of the orientalist enemies of Islam, Dr. Fazlur Rahmán, founder of the Islamic Research Institute of Pakistan claims that the following reasons induced the research scholars to refute the Sunnat of Rasululláh (sallalláhu alayhi wasallam).

(a) A substantial part of the Sunnat embodies customs and practices of the pre-Islám period. This consists more of the culture of the Arabs.

(b) A great part of the Sunnat is the product of the free — thinking Fuqaha of former times. These Fuqaha formulated the existing Sunnat on the basis of personal reasoning. Most noteworthy is the inclusion of foreign influences by the former Fuqaha. The source of such alien influences was particularly Jewish narration and some social aspects of Byzantine and Persian culture.

(c) Finally, during the final stage of the second century and in the third century when the custom of hadith assumed the form of an universal movement, the whole body of the ancient Sunnat was attributed to Rasululláh (sallalláhu alayhi wasallam). It thus developed into the concept of the Sunnat of the Rasul (sallalláhu alayhi wasallam).

Dr. Fazlur Rahmán is in fact claiming that the Sunnat of Nabi (sallalláhu alayhi wasallam) is the creation of Muslims. Similarly, he does not accept the perfect and total law-making status of the Qur’án and Sunnat. In this regard he writes:

“If we remove from the history of Nabi the picture painted by the Fuqahá of the middle ages, then nothing could be discerned to indicate that the Rasul in the wide conception (of his office as Rasul)

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was only a formulator of laws. Barring a few isolated rulings which were merely circumstantial happenings, he accorded extremely little attention towards law-making for the progress of Islam. In the Qur'án Majeed itself, there is an extremely small portion of Islamic teaching related to law-making. The section of the Qur'sn Majeed dealing with law or resemblance of law clarifis that this aspect of it pertains to particular conditions and circumstances.”

(Bayyinát, Karáchi)

In answer to the above claims, Hadhrat Maulna Aminul Haq writes in “Bayyinát.”

“As if the Qurán and Sunnat are in the first place silent on general law-making, and if there happens to be a smattering of laws, then it is restricted to particular conditions and circumstances. The vast bodywork of Islamic Law which, we find is (according to Dr. Fazlur Rahman) the colourful imaginations of the Fuqaha of the middle ages. These Fuqahá are its initiators (according to Dr. Fazlur Rahman). Besides the fallacy of the doctor's theory, it is not even the invention of his own intellect. He has been clearly influenced by the conception propounded by Goldteister who makes the following claims:

‘Islam and the Qur'án have not perfected a thing. Its perfection is the work of succeeding generations. The Qurán itself expounds very few laws. But these were wholly insufficient for satisfying the requirements of the variety of cultures and societies of the varied nations and lands which came under the sway of the Islamic conquests. Qur'anic laws are limited to intellectual, moral, social and economic conditions of the simple Arab tribes. They are totally insufficient for Persia, Rome and the other civilized nations.”

The conception of Dr. Fazlur Rahmán totally resembles that of Goldteister, the implaccable foe of Islam. This is what blind following of the orientalist's represent. This is a clear example of

“Their hearts resemble one another”

(Qur'án)

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Whatever the orientalist enemies of Islam propagate, these Muslims in name and claimants of *Ijtihad* make haste in expounding. Their whole research is based on blind following of the orientalist. They revolve around, this pivot like a planet in its orbit. They present the conceptions and fallacies of the orientalists in the adornment of beautiful words and pass it off as the product of “islamic research”. Dr. Fazlur Rahmán has claimed:

“The ancient Fuqahá have incorporated foreign influences in it (i.e. the Sunnat). The chief source of such influences are Jewish narratives and aspects of Byzantine and Persian social order.”
(*Fikr wa Nazr*)

This claim of Dr. Fazlur Rahmán is a conglomeration of nonsense, pure conjecture and propaganda. It is sad to observe that he has slandered Islamic Law by his blind following of his western tutors. In this slander he has even outflanked Goldteister who presented his theory as a possibility while the doctor affirms it with firm conviction as it is based on *Imán bil ghaib*.

The Fuqahá of the age of the Sahába and Tábi-reen at no stage ever entered Roman and Byzantine academic institutions. Historically it can never be proved that any *Faqeeh* (jurist) of Islam benefitted from Roman law nor was any Roman Law book ever found in any library of any *Faqeeh*. These highly fallacious claims of Goldteister and Dr. Fazlur Rahman are, therefore, absolute nonsense.

Goldteister merely advances as a probability the laughable claim of Islamic law being influenced by Roman law, but Dr. Fazlur Rahman compounds his injustice by an Iman — devouring excess, for he alleges that all the alien elements and influences were falsely attributed to Rasululláh (sallalláhu alayhi wasallam) by the Hadith — compilation movement. Yet an average student of Hadith knows well that the illustrious *Muhadditheen*, in the safe-guarding of the statements of Rasululláh (sallalláhu alayhi wasallam) left no stone unturned, spared no effort and sacrifice and cared for none regardless of rank and power. Every single avenue through which erroneous transmission could possibly creep in was forever blocked.

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The allegation of Islamic law being influenced by Roman law, is likewise plain conjecture, deceit and slander. On the contrary, it was Islamic Law and culture which registered their profound impact on the subjugated nations. Historically, it can never be proven that Islam was influenced by foreign cultures — We seek Allah’s protection!

It has been claimed that Islam borrowed from Roman civilization in all branches of its culture — from belief and worship to affairs of law and social intercourse, and on this basis of borrowed culture it benefitted mankind. This allegation is tantamount to mockery of even Roman law. Roman law was in existence long before the advent of Islam and held sway over a vast area of the world. Why did it not then display the accomplishments which Islam achieved in the shortest of time? A law which could not benefit humanity nor remedy the pains and ailments of mankind, could never hope to influence such a secure and lofty Law and Culture as Islam. Thus, the claim of Dr. Fazlur Rahmán and his forerunner, Goldteister, along with being erroneous, is unintelligent.

Those who slander Islam by accusing it of benefitting from dead and extinct laws, should, if they possess the courage and ability, compare Islam with all the laws and cultures existing today. In so doing they will realise their own gross ignorance.

CONCLUSION

A few samples of the fallacious concepts and theories of the orientalist and their ‘muqallideen’ have been presented as an example so that it may be realized that these are men who are today restless to assume leadership of the Deen. They accuse the well-grounded and authoritative Ulama as men of barren orthodoxy. Their desire is to batter and transform all offices of the Deen to conform to their lowly desires. This process of mutilation is designated “*ijtihád*” by them. Their tutors are the orientalist, the enemies of Islam. Their knowledge and understanding are restricted to the poisonous writings of these enemies of Islam. A sample of this

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have been seen in the intellectual relationship of Dr. Fazlur Rahmán and Goldteister — student and master. All the theories of these claimants of “*ijtihád*” have been similarly borrowed from the West. May Allah Ta’ala accept this small effort and may He make it beneficial for all Muslims in general, and for the westernized lovers of modernity in particular. And, may it serve as an eliminator of their erroneous conceptions.

THE HOLY CHISTIYYA, MASEEHIYYAH, ASHRAFIYYAH, IMDADIYYAH SPIRITUAL TREE

Hadhrat Maseehul Ummat Maulana Mohammed Maseehullah Khan belongs to the auspicious chain of Auliya, which is linked to Rasulullah Sallallahu alayhi wa sallam. Every name in this holy ‘tree’ is a Star of immaculate - piety and spiritual excellence in the firmament of ‘Marifat’ and ‘Tasawwuf. The ‘Tasawwuf of the members of this great Spiritual Order is deeply rooted in the Qurân and the Sunnah of Rasulullah Sallallahu alayhi wasallam .

Hadhrat Mohammed Maseehullah Khan Khalifah of

| | |
|-----------------------------------|------------------|
| Hadhrat Maulana Ashraf Ali Thanvi | (died 1362 A.H.) |
| Hajee Imdadullah Makki | (died 1317A.H.) |
| Hadhrat Noor Muhammad | (died 1259 AH.) |
| Hadjee Abdur Raheem | (died 1246 AH.) |
| Shah Abdul Bari | (died 1226 AH.) |
| Shah Abdul Hadi | (died 190 A.H.) |
| Shah Adhdud-din | (died 172 AH.) |
| Shah Muhammad | |
| Shah Muhib-bullah | (died 1058 A.H.) |
| Shah Bu Sa-eed | (died 1040 AH.) |
| Shah Nizamuddin Balkhi | (died 1005 AH.) |
| Shah Jalaluddin | (died 989 AH.) |
| Shah Abdul Quddus | (died 924 A.H.) |
| Shaikh Muhammad | (died 989 A.H.) |

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| | |
|-------------------------------------------------------|-----------------|
| Shaikh Ahmad Aarif | (died 882 A.H.) |
| Shah Ahmad Abdul Haq | (died 837 A.H.) |
| Shah Jalaluddin | (died 765 A.H.) |
| Shaikh Shamsuddin | (died 716 A.H.) |
| Shaikh Alauddin | (died 690 AH.) |
| Shaikh Fareedudding Shakar Ganj | (died 669 A.H.) |
| Khawajah Qutbuddin Maqtool | (died 633 AH.) |
| Shah Mu-inuddin Habeeb | (died 632 AH.) |
| Khwajah Uthman | (died 597 AH.) |
| Shah Shareef Zindani | (died 584 A.H.) |
| Khwajah Maudood Chisti | (died 577 AH.) |
| Shah Bu Yusuf | (died 559 AH.) |
| Shah Abu Muhammad | |
| Shah Ahmad Abdal Chishti | (died 355 A.H.) |
| Shaikh Abu Ishaq Shami | (died 329 A.H.) |
| Khwajah Mumtaz Alawi | (died 299 A.H.) |
| Shah Abu Habeeerah Basri | (died 275 A.H.) |
| Shah Huzaifah Mur-ashi | (died 252 A.H.) |
| Shaikh Ibrahim Adham | (died 266 A.H.) |
| Shah Fuzil Ibn Iyaz | (died 187 A.H.) |
| Khwaja Abdul Wahid Bin Zaid | (died 176 A.H.) |
| Imam Hasan Basri | (died 110 A.H.) |
| AMMERUL MU'MINEEN SAYYIDINA | |
| HADHRAT ALI (Radiallahu anhu) | (died 40 A.H.) |
| MUHAMMAD RASULULLAH Sallallahu alayhi wasallam | (died 10 A.H.) |