

أَعُوذُ بِاللَّهِ مِنَ الشَّيْطَانِ الرَّجِيمِ

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

اَلْحَمْدُ لِلّٰهِ كَمَا هُوَ اَهْلُهُ وَالصَّلٰوةُ وَالسَّلَامُ عَلٰى سَيِّدِ اٰدَمَ كَمَا يُحِبُّ وَيَرْضٰى اَنْ يُصَلِّىَ عَلَيْهِ

In The Name Of Allah The Most Compassionate Very Merciful

All Praise Due To Allah And Peace And Blessings Be Upon His Beloved Messenger

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Concept of Taqleed in Islam

The Importance and Reality of Qiyas and Ijtihad

There is no doubt that for every government, there is always a need to have a set of rules and laws. It is through this that there is stability and consistency in the government. However, be that as it may, we are not discussing any man-made government here, but the Divine System of government, and there is no doubt that the road of peace in this world can only be achieved through Islam. This is the religion which eliminates the barrier in this world between a master and his slave, between white and black, Arab and non-Arab, and all of this can only be achieved if there is a constitution which promulgates this. Through this constitution, the strong from the weak, a lower from a powerful, a rich from a poor can also be eliminated. The first foundation or basis for an Islamic government and for the religion of Allah Almighty on earth is the Holy Quran. A further explanation for this is the Ahadith of the Holy Prophet – may Allah's peace and blessings be upon him.

The set of rules and laws which were promulgated to display for a Muslim the correct path and which was based on the Quran and Hadith is called Fiqh. At the same time, there are also other issues in shariah for which there is no clarity or clear distinction to be found in the Quran and Hadith. These have been extracted either proven through consensus or proven through Qiyas and Ijtihad. At the same time, we will find many examples of Qiyas and Ijtihad in the Quran and Ahadith. Therefore, in summary, an Islamic government and the rules which determine this government, are entities which are based on the Quran, the sunnah of the Holy Prophet peace be upon him, the consensus of Ummah and Qiyas.

The ultimate foundation for Fiqh is the Quran, Sunnah and Ijma' (consensus), and this can be considered as the actual or the absolute command (or foundation of command). Qiyas is also considered within this category but not in the manner of it being an absolute foundation but as a manifestation of the actual foundation. Hence, in this article, our subject is Qiyas and Ijtihad, therefore, we will only explain this.

The reality of Qiyas and Ijtihad

In the above, we have already indicated that in Islamic jurisprudence, the fourth foundation or pillar is Qiyas. The meaning of Qiyas is “to estimate”. This is the reason that among the Arabs, there is a proverb which indicates that “a well should be estimated against another well”. In Qiyas, this would mean taking a subsidiary issue and equalizing it with the original and thereby determining the law and cause which is applicable in it. The original would in this regard will be referred to as “Maqees ‘alaih” and the subsidiary issue would be referred to as “Maqees”. As for that element which is common between the both, that is referred to as “Illat al-mushtarikah” or the common cause or element and the actual effect of this is considered a command or the net result in layman’s term.

In fact, there is no difference between Qiyas and Ijtihad. They should be considered as synonyms. Hadrat Sayyiduna Imam Shafe’i in the “Al Risaalah” explains, “It was asked. What is Qiyas; is it Ijtihad or they two different things? He replied that they are two different terms but they have one single meaning.” (Ar Risaalah. Third chapter - Al Qiyas)

The famous Hanafi jurists. Imam Sarkhasi – May Allah have mercy on him – has mentioned that Qiyas is metaphorically referred to as Ijtihad. (Usul Al Sarkhasi. Second chapter. page 143)

The basis and proof of Qiyas

There is no doubt that the blessed Ashaab, the Tabe’een, the Aimmah Mujtahideen and the pious predecessors of Islam have always acted upon Qiyas over the years. They also gave a ruling on those issues not clearly mentioned in the form of Qiyas and Ijtihad. However, there have been certain people who are referred to as the Ashaab al-Zaahir who have maintained that this is not permissible. They also maintain that in any law or command of Shariah, the idea of Qiyas cannot be entertained. In fact, they have maintained that Qiyas in this regard and practice upon it is to be considered as false and unacceptable. The first person who went against the idea of Qiyas and totally rejected the concept of Qiyas emanating from the blessed Ashaab, the Taba’een and the pious Mujtahideen was an idiot named Ebrahim Nizaam.

The only reason that this person condemned the pious elders of Islam is because he accused them of practicing on Qiyas and also because they considered this as part of Islamic law. In Baghdad shareef also, some of the Mutakallimeen followed

the example of Ebrahim Nizaam. However, they refrained from attacking and insulting the pious elders of Islam but they did maintain that the decisions and laws which were derived by the Ashaab through Qiyas, in reality, they are not Islamic laws but a personal opinion of theirs to create peace and harmony between two groups. Hence, it has nothing to do with the laws of Shariah. They therefore maintain that the practice of Qiyas by the Ashaab cannot be placed as proof or evidence.

After this person, another individual arose who was completely ignorant of the laws of Shariah. In fact, according to certain Ulama, even his own words prove his ignorance. This person's name was Daud Isbahaani. He did not even care what the pious predecessors had done for Islam and what is it that they meant in their opinions. He simply made a statement that Qiyas and practice upon it is completely false and baseless. He also maintained that Qiyas itself was no proof or basis and neither is one allowed to practice upon this when it comes to shariah. Those who followed this person later on are referred to as "Ashaab al-Zawaahir". Some of these individuals were so vicious against this concept that they did not even think and claimed that their set of beliefs was backed by eminent individuals such as Hadrat Qatadah, Masruq and Ibn Sireen – May Allah have mercy on them. Ma'azallah!

The entire discussion on this issue has been presented in Usul al-Sarkhasi and Fiqh Ahle Iraq wa Hadeethuhum.

The beliefs and thoughts of Nizaam

It must be borne in mind that Nizaam was a Motazilite in his belief. In fact, his beliefs were based on those who were false Prophets. However, because he feared the severe repercussions which might befall him, he did not openly mention some of his evil beliefs. However, when it came to issues like the splitting of the moon, the Kalimah which was read by the pebbles and stones, water coming out from the blessed fingers of the Holy Prophet – may Allah's peace and blessings be upon him – etc. He rejected all these miracles with the idea perhaps of paving the way for a complete rejection of the Prophethood of the Holy Prophet – may Allah's peace and blessings be upon him. He certainly did not grow up in a good environment. He was influenced by corrupt people around him. This certainly had a bad effect on his intellect and hence, he refuted many basic beliefs of Islam. (Al-Farq bayn al-Firaq pages 79-80)

Declaration of Ulama about Nizaam

As we have mentioned that the first person to refute the idea of Qiyas was Ebrahim Nizam. However, in spite of the fact that he was a Motazilite in his beliefs, some of his own people actually condemned some of his beliefs as kufr. As for the Ulama of the Ahlus sunnah was Jamaah who condemned this wicked person, they are too many to mention. We will present a brief example from the marginal notes of Fiqh Ahle Iraq which is entitled Al-Farq bayn al-Firaq. This is mentioned between pages 80-91.

The majority of the Motazilites were unanimous about the kufr of Nizam. Hafiz and a few among the Qadriyah actually followed him. However, they also opposed some of his beliefs even though they themselves were corrupt. The majority of the Motazilites considered this person a kaafir. Among them was his own uncle, Abu al-Hazeel. He had mentioned this in his book entitled, “Al-Radd ‘ala Nizaam”. Jubbaa’i has also condemned this person in certain issues and this was mentioned by Abu Mansur Baghdadi. He also wrote a book refuting this heretic. The name of Iskaafi is also mentioned in this regard. In fact, in most of his material, he also condemns Nizaam. As we have mentioned the books written by Ahle Sunnah was Jamaah are too many to mention.

There are three manuscripts from Shaikh Abul Hasan Ash’ari. There are many books from Qala nasi. There is also a voluminous book from Qadi Abu Bakr Baaqillani, and in this book, various principles of Nizaam have been refuted. Hujjatul Islam, Imam Ghazzali – May Allah have mercy on him – has also written “Al-Musaffa”. In this book – volume two, pages 246, 247 under the chapter of Qiyas, he had also rejected and condemned Nizaam the motazilite.

The various proofs and testimony for Qiyas

The majority of the Ulama considered Qiyas to be a sound basis. In regards to proving this is certainly a source within Shariah, they have presented three types of proofs; from

1. Kitaab
2. Sunnah
3. Logical or intellectual proof

There are numerous materials which have been written in regard to explaining all of these. However, for the sake of simplicity, we will summarize it a little.

1. Kitaab

The Almighty states in surah Ale Imran 3, verse 13:

إِنَّ فِي ذَلِكَ لَعِبْرَةً لِّأُولِي الْأَبْصَارِ ﴿١٣﴾

No doubt, in it there is teaching after seeing for the men of understanding.

In this verse, the concept of Qiyas has been encouraged and endorsed.

Allah Almighty has also stated:

وَلَوْ رَدُّوهُ إِلَى الرَّسُولِ وَإِلَى أُولِي الْأَمْرِ مِنْهُمْ لَعَلِمَهُ الَّذِينَ
يَسْتَنْبِطُونَهُ مِنْهُمْ ط

And if they had referred it towards the Messenger and their men of authority, then surely, they would have known its reality from those who investigate and can draw conclusion.

(Al-Nisa 4, Verse 83)

In this context it will mean that the command for something will be placed on its example or something similar. This is the reason that when something is joined to its original it is considered as 'ibarat'. The Almighty states in Surah Nisa, verse 59:

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ
مِنْكُمْ ؕ فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ
تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ط ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا ﴿٥٩﴾

O believers! Obey Allah and Obey the messenger, and those who have power of command amongst you, then again if there may arise any difference amongst you, refers it to Allah and His messenger, if you have faith in Allah and the Last Day. This is better, and its end is best

This would imply that one is able to deduce through Qiyas a certain element through the Nass (clear command) or one is able to acquire a meaning that the Nass implies a certain meaning. It could also imply that the heart becomes

satisfied with its implication and this is only possible when a person is fully aware of various elements within this concept which is the basis of command within that Nass. Perhaps this is the reason that the Almighty Allah has declared that Shariah is a light for the eye and a means of expansion for one's heart. In surah Zumar, verse 22, this is clearly mentioned:

أَفَمَنْ شَرَحَ اللَّهُ صَدْرَهُ لِلْإِسْلَامِ فَهُوَ عَلَى نُورٍ مِّنْ رَبِّهِ ط

Will he whose heart Allah has opened for Islam so that he is upon a light from his Lord be like him who is hard heartened?

At the same time, when a person is able to see something through his own eyes, the amount of satisfaction received is certainly much more than if he had to merely hear about a certain thing. This is the reason that the Holy Prophet – may Allah's peace and blessings be upon him – has stated that, "News (or khabar) is not like seeing". The same would be applicable to the state of the heart. When a person studies a specific meaning or implication and becomes aware, then his chest becomes wide and his heart becomes satisfied.

Objection:

The Qiyas, in other words, Ijtihad is not necessarily a means to acquire knowledge, and on the other hand, a Mujtahid sometimes makes mistakes and sometimes his conclusion is correct, then how can it be true that a Mujtahid deduces certain conclusions from Quran or Hadeeth through Qiyas and then be completely satisfied with the conclusion derived from it?

Answer:

Yes, it is true that Ijtihad is not necessarily a means to acquire knowledge but through Ijithad, certain knowledge is acquired which satisfies the heart. This would mean that through Qiyas apparent knowledge is acquired and that is it. It has been mentioned in Usul Sarkhasi, page 129.

If we see Surah Mumtahinah, verse 10, the Quran declares:

يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا جَاءَكُمُ الْمُؤْمِنَاتُ مُهَاجِرَاتٍ فَامْتَحِنُوهُنَّ

Then if you know them to be believing women, return them not to the infidels.

In this verse, apparent knowledge is implicated. In other words, what you see is what you are deducing.

Examples of Qiyas from the Sunnah

1. Once Hadrat Sayyiduna Umar – May Allah have mercy on him – asked the Holy Prophet – peace be upon him – about kissing a female during the state of fasting. The Holy Prophet – peace be upon him – replied, “Tell me, if you gargle your mouth with water and then spit it out, will this damage your fast?” Through this hadith shareef, the Holy Prophet – peace be upon him – is educating us about Qiyas. He is educating us about the fact that when you put water in the mouth, the path of drinking or swallowing is opened, however, one does not drink the water. In the same manner, if one kisses one’s wife, the path of carnal desire does open but the act of semen being released does not occur. The act of gargling does not break the fast as long as water is not swallowed, in like manner, the act of kissing one’s wife would not nullify the fast as long as there is no seminal discharge.

2. Once a female of Bani Khas’am inquired from the Holy Prophet – peace be upon him, “O Prophet of Allah azza wa jall, my father is very old and cannot travel on any animal and Hajj has become Fard upon him. Can I perform Hajj on his behalf?” In reply, the Holy Prophet – peace be upon him – stated, “If there were debts upon your father, would you repay these debts?” She replied, ‘yes’. He then replied, “Therefore it is even more rightful that you fulfil the debt owed to Allah azza wa jall.” In other words, the Hajj which this person has to fulfil, one has to perform this Hajj on his behalf (badal).” In this hadith shareef, there is indication of Qiyas and the manner as to how one should act.

3. The Holy Prophet – peace be upon him – has stated that, “The saliva of cats is not impure. These are those animals which walk around your house.” In this hadith shareef also, the concept of Qiyas is being indicated. In other words, the act which is indicating to a rule being made easy is the fact that this animal moves around the house and due to this fact, its saliva cannot be considered as impure or Najis.

4. When the Holy Prophet – peace be upon him – was sending Hadrat Sayyiduna Mu’az bin Jabal – May Allah have mercy on him – to Yemen as a Governor and to propagate Islam. He mentioned to him, “O Mu’az, how will you make your

decisions?’ He replied, “From the Quran.” The Holy Prophet – peace be upon him – then asked, “If you are unable to find the solution in the book of Allah azza wa jall then what will you do?” He replied, “I will find a solution in the Sunnah of the Holy Prophet – peace be upon him.” The Holy Prophet – peace be upon him – then asked, “And if you are unable to find an answer in the sunnah of the Prophet, then what?”. He replied, “At that time, I will use my own discretion.” The Holy Prophet – peace be upon him – agreed with this and mentioned, “All Praise is due to Allah azza wa jall who has blessed the emissary of the Prophet with that which pleases the Prophet.”

Logical basis

One of the reasons that we can use to substantiate the concept of Qiyas is that the Quran has also commanded us to see and investigate and this has been described as Waajib and necessary upon us. If we look at the banishment of the kuffaar, this was due to their immense hatred and enmity towards the Holy Prophet – peace be upon him. Therefore, they were commanded to ponder deeply on this issue and on their state and condition. In other words, they were forced to make a decision because if they did not do so, then there was a possibility that these kuffaar would banish them from their lands. In other words, looking at this state, and then comparing it with their own state, one had to make a decision.

Those who oppose Qiyas

As for those people who oppose Qiyas, they also claim to be able to prove their claim using three sources of testimony which are the Quran, the Sunnah and logical proof.

Kitaab

The Almighty azza wa jall states in Surah Ankabut, verse 51:

أَوَلَمْ يَكْفِهِمْ أَنَّا أَنزَلْنَا عَلَيْكَ الْكِتَابَ يُتْلَىٰ عَلَيْهِمْ ۖ إِنَّ فِي ذَٰلِكَ
لَرْحَمَةً وَذِكْرًا لِّقَوْمٍ يُؤْمِنُونَ ﴿٥١﴾

Does it not suffice them that We have sent down upon you the Book that is recited to them? Undoubtedly, in it there is mercy and admonition for the believers.

Hence, they claim that if we had to resort to Qiyas then it means that the Book of Allah azza wa jall is not sufficient to make a decision. This also something which is against the Divine Command of Allah azza wa jall.

The second and third verse is that which are found in Surah An'am, verses 38 and 59:

وَمَا مِنْ دَابَّةٍ فِي الْأَرْضِ وَلَا طَيْرٍ يَطِيرُ بِجَنَاحَيْهِ إِلَّا أُمَمٌ أَمْثَالُكُمْ^ط
فَرَّطْنَا فِي الْكِتَابِ مِنْ شَيْءٍ ثُمَّ إِلَىٰ رَبِّهِمْ يُحْشَرُونَ ﴿٣٨﴾

And there is no one crawling on earth nor any bird that flies on its wings but are the communities like you. We have left out nothing in the Book. Then to their Lord they shall be raised.

وَعِنْدَهُ مَفَاتِحُ الْغَيْبِ لَا يَعْلَمُهَا إِلَّا هُوَ^ط وَيَعْلَمُ مَا فِي الْبَرِّ وَالْبَحْرِ^ط
وَمَا تَسْقُطُ مِنْ وَرَقَةٍ إِلَّا يَعْلَمُهَا وَلَا حَبَّةٍ فِي ظُلْمَتِ الْأَرْضِ وَلَا رَطْبٍ
وَلَا يَابِسٍ إِلَّا فِي كِتَابٍ مُبِينٍ ﴿٥٩﴾

And with Him is the key of unseen, He only knows them And He knows whatever is in the land and in the sea. And the leaf that falls He knows it. And there is not any grain in the darkness of the earth, and nor anything wet and nor dry which is not written in a luminous Book.

These verses also clearly state that everything is to be found in the Book of Allah azza wa jall and adopting Qiyas would indicate that the object is not found in the Quran and this is clearly against the Divine Command of Allah azza wa jall.

In Surah Hujurat, verse ١, the Quran declares:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْدِّمُوا بَيْنَ يَدَيِ اللَّهِ وَرَسُولِهِ وَاتَّقُوا اللَّهَ^ط إِنَّ
اللَّهَ سَمِيعٌ عَلِيمٌ ﴿١﴾

O believers! Exceed not over Allah and his Messenger and fear Allah.
Undoubtedly Allah Hears, Knows.

In Surah Maidah, verse 44, the Quran declares:

إِنَّا أَنْزَلْنَا التَّوْرَةَ فِيهَا هُدًى وَنُورٌ ۚ يَحْكُمُ بِهَا النَّبِيُّونَ الَّذِينَ أَسْلَمُوا الَّذِينَ هَادُوا وَالرَّيَّانِيُّونَ
وَالْأَحْبَارُ بِمَا اسْتُخْفِظُوا مِنْ كِتَابِ اللَّهِ وَكَانُوا عَلَيْهِ شُهَدَاءَ ۚ فَلَا تَخْشَوُا النَّاسَ وَاخْشَوْنِي وَلَا
تَشْتَرُوا بِآيَاتِي ثَمَنًا قَلِيلًا ۖ وَمَنْ لَمْ يَحْكَمْ بِمَا أَنْزَلَ اللَّهُ فَأُولَٰئِكَ هُمُ الْكَافِرُونَ ﴿٤٤﴾

Undoubtedly, We have sent down Taurah, wherein is the guidance and light. According to it the Jews were ordered by Our obedient prophets and men of learning and jurists for it was desired from them to preserve the Book of Allah and they were witnesses to it, then fear not people, but fear Me and do not accept mean price for My Signs. And whoso judges not according to what Allah has sent down, they are the persons who are infidels.

All the verses above clearly prove that one should not go before or exceed the Almighty azza wa jall and the Holy Prophet – peace be upon him. And therefore, anyone who does not make a decision according to the Divine Command of Allah azza wa jall then according to the Quran, that person is a disbeliever. Therefore, to accept Qiyas and Ijtihad would also be similar to exceeding the limits of Allah azza wa jall and His Prophet – peace be upon him. And this would also be fisq and completely without basis.

The Hadith

1. Hadrat Sayyiduna Abu Hurayrah May Allah have mercy on him narrates that the Holy Prophet peace be upon him has stated that, “The Bani Israel were on the right path until the children of the prisoners became more and they began to make Qiyas on those things in the past with those things in the future. They became misguided and also made others misguided”.

2. The same blessed companion narrates that the Holy Prophet – peace be upon him – has stated that, “This ummah will sometimes practice upon the Quran, sometimes according to the Sunnah and sometimes through Qiyas and Ijtihad and when they do this, they will become misguided.”

3. Hadrat Sayyiduna Umar – May Allah have mercy on him – has stated that, “Protect yourself against those who make Qiyas because they are enemies of religion. They are unable to protect themselves with the Sunnah and have begun Qiyas and Ijtihad. They are misguided and have also misguided others”.

Logical proof

They base their opinion on two concepts”

1. Daleel Aqli min Haysud Daleel
2. Daleel Aqli min haysul Madlul

1. The first is that the very foundation of this is something which is doubtful. In other words, the element through which a command is established, that element itself is not proven or substantiated.

In other words, this is not established either through Dalaalatun Nass, Ishaaratun Nass or Iqtidaa'un Nass. At the same time, whatever is proven would be considered as the absolute truth from Allah azza wa jall and therefore something which is already in doubt from the very inception, cannot be the absolute truth from Allah azza wa jall. Therefore, this would be indicating incapacity towards the Quran and Sunnah and this is not possible. Or it could also imply that the Quran and Sunnah is in need of something which is doubtful and again this is impossible. At the same time, there is no doubt that we cannot refute the fact that there is always doubt in Qiyas and therefore, this is not something which substantiates absolute knowledge or certainty. The Quran also declares that we should never associate anything with Allah azza wa jall which is not an absolute truth. Hence, in this regard, Qiyas is something which cannot be accepted.

2. Daleel Ma'qul min Haysil Madlul.

The laws of Shariah imply obedience and ibaadah for Allah azza wa jall. And therefore, in matters of ibaadah and obedience, there is no room for Qiyas. This is the reason that the very foundation of ibaadah cannot be substantiated through Qiyas and Ijtihad. Another reason is that the ibaadah of Allah azza wa jall and the act of obedience to Him is confined to total acceptance of His Command. We are also able to find many laws in matters of punishment, the number of Rak'ah in Salah etc which goes against Qiyas and Ijtihad. Therefore, for one to practice upon a concept like Qiyas or Ijtihad would not be practicing upon actual knowledge but rather practicing upon ignorance.

Our reply to these doubts and issues

We believe that the Quran is sufficient, however, we believe that even though there may be an issue which is not explicitly mentioned, yet there is a type of indication towards a certain command or law. And this is the actual meaning of Qiyas and Ijtihad. This is what is meant when the word, “seeing” is mentioned. Therefore, whatever is the result of Qiyas and Ijtihad it would be according to the command of the Quran. And it would also prove that whatever law and command becomes apparent through Qiyas and Ijtihad, it will also indicate that, “everything is certainly found in the Quran”. Therefore, this can be found in the Quran through the abovementioned methods such as Dalaatun Nass, Ishaaratun Nass and Iqtidaa’un Nass.

Again, this is another name for Qiyas and Ijtihad and the Almighty azza wa jall had certainly given us this command. Therefore, it cannot be termed as exceeding the limits of Allah azza wa jall and the Holy Prophet – peace be upon him. It is actually following the command of the Allah azza wa jall and His beloved Prophet – peace be upon him. This has also been taught to us by the Holy Prophet peace be upon him through the fact that we look at a specific element which is found and then place a ruling on that. At the same time, the basis of this element is that which it to be found through the Almighty azza wa jall because He is the Creator of all causes and means. All we do is merely take an element and then deduce its effect on a subsidiary issue and then place a command on that through Qiyas and Ijtihad. Yes, however, when these objectors claim that “action through Qiyas is false”, they themselves are exceeding the limits of Allah azza wa jall and His Prophet – peace be upon him.

In fact, these people cannot prove from any Nass what they claim. Therefore, when their claim is baseless, it cannot be accepted. As for those Ahadith in which it is mentioned that people have used their own thinking or ideas (to act upon), even in these Ahadith, there is no clear and apparent rejection of Qiyas and Ijtihad. In these ahadith, all of those ideas and practices in the form of Qiyas and Ijtihad have been rejected which people have used to merely satisfy their carnal desires and their personal wishes. This would therefore not imply the Qiyas and Ijtihad of the rightly guided scholars of Islam which clearly is able to substantiate the truth.

In the Usul Sarkhasi, 2/133, it is mentioned, “The words of Hadrat Sayyiduna Umar – May Allah have mercy on him – in the matter of Qiyas are very clear. What he is trying to say is that any opinion which is against the Nass or if there is a Nass present one ignores this. In all of these circumstances, it is like following one’s nafs or personal desire and this has been clearly condemned. (In other words, he has clearly refuted Qiyas and Ijtihad which is based on merely satisfying the nafs or one’s personal wishes).”

In like manner, those who have maintained and made the statement that the Ijtihad and Qiyas of the blessed Ashaab was merely for the purpose of creating peace between two opposing groups or parties and not for the purpose of law is something which is completely baseless and false. In fact, this is also something that is against the truth. In fact, wherever the blessed companions promulgated a set of law to create unity and eliminate differences between two parties, they made this very clear otherwise, the word ‘law and ruling’ is clearly mentioned. In fact, in certain instances, these ruling and decisions became the basis for later Fatwa ruling. In fact, when a Mufti issues a ruling to the person asking a question, there are only certain occasions when the ruling is to create peace between opposing parties. This was also applicable in the time of the blessed Ashaab. Therefore, this opinion that they only gave a ruling to create peace between opposing parties is also therefore not true.

Again, in the Usul Al Sarkhasi, 2/134, it is mentioned, “Those who claim that the decision based on Qiyas by the blessed companions was merely to create peace and unity (between two opposing parties) and not for the sake of issuing a command, is nothing but a baseless accusation. At the same time, it must be borne in mind that the people who conveyed these decisions of the blessed Ashaab to us, were qualified in distinguishing between what is Qada and what is Sulah. (What is a legal decision and what is that decision which was made to bring peace). Therefore, one cannot accuse these people that they did not know the difference and neither can one accuse these people of hiding the truth.”

As for an answer to their question based on logic, we believe that whatever command is revealed through Qiyas and Ijtihad, that is the truth. Although, with Allah azza wa jall we may not be certain that this is the truth. This is similar to that person who reads his Salah in every direction not knowing in which direction the Qiblah is. However, when he becomes aware of the Qiblah, then it

is absolutely necessary for him to face the correct Qiblah. In other words, this is the difference between Huqqullah and Huqqul Ibaad. In the beginning, it was under “all directions belong to Allah azza wa jall and it was not necessary for him to find the actual Qiblah”, but when he came to know of the true Qiblah, he had to face in that direction.

As for the issue that perchance there might be a certain issue which is contrary to intellect or Qiyas therefore, Qiyas and Ijtihad in this instance is not allowed. In this regard our opinion is very clear and apparent. If there is an instance wherein something that does not make sense, we also mention that in this case, it is not permissible to use Qiyas. However, to only use this example and to place a blanket ban on Qiyas and Ijtihad is certainly not wise or intelligent.

We have now placed all the arguments for and against. After presenting their arguments and ours, it becomes clear who is on the right path.

When is Qiyas an absolute truth?

It is not to be misunderstood that Qiyas is a proof in every instance or occasion. There are many conditions and rules which come into effect before this is determined. At the same time, this is not something which can be displayed and enacted by any ordinary individual. The person has to be fully qualified in the Quran and the Sunnah, he has to be fully aware of the intricate laws of Fard and Waajib. He has to be fully aware of the laws which are applicable and those which have been abrogated. He needs to know the opinion of the pious predecessors of Islam, what is Ijma Ummah in this regard. The various differences among people. Well-versed in the Arabic language and its grammatical laws and he has to deeply delve in any issue in front of him. Only at that time, is Qiyas and Ijtihad considered a proof. And it also becomes Waajib to practice upon this.

Hadrat Sayyiduna Imam Shafe'i – May Allah have mercy on him – has explained that, “Qiyas can only be performed by that person who has the tools of Qiyas. This would include proficient knowledge of the Quran. He needs to be aware of what is Fard, the various rules of Adab, what is applicable and what is abrogated, what is common and what is specific. He must be also proficient in deep analysis. He must also be able to look at a Quranic verse and be able to explain this through the Hadith shareef. If this is not found in the Hadith shareef, then he has to explain this according to Ijma ummah. And if it is not found in the Ijma, then he

needs to make Qiyas and it is certainly not permissible for anyone to make Qiyas until and unless he is not qualified in what has already been explained.”

Again, this would include such things: what is the Sunnah of the Holy Prophet – peace be upon him? What are the opinions of the pious predecessors of Islam? What are the different opinions in the issue of Ijma and also fully proficient in the Arabic language and its intricacies. He has to also be someone who has a clear mind, someone who can differentiate between objects that are doubtful and not clear and at the same time, he must not be hasty in his decision. He should also listen to his opponents because at times, listening to these people can also be source of warning as well.”

(Ar Risaalah. part 3. Chapter on Qiyas)

The issue of Ijithad and the latter day Ghair Muqallids

The latter day Ghair Muqallids are trapped in following the Motazilites either knowingly or unknowingly. This is the reason that they have condemned the institution of Ijtihad and Qiyas and also the Ulama who practiced upon this. Yet, they may be surprised to learn that one of their own by the name of Mia Nazeer Husain Dehlwi who is considered an eminent Imam among these people admitted that, ‘Qiyas and Ijithad are also sources of proof and also considers the statements of the Aimmah to be true and correct.” This would certainly be a great shock to his followers who call themselves the Ahle Hadith. In one of his Fatawa, he mentions, “As the words of the four Aimmah cannot be considered as misguidance, in like manner, the school of any Mujtahid cannot be considered as Bid’ah. Whoever says the opposite, he is a khabees and a Bid’ati.”

As for those Mujtahids whom he himself considers to be on the right path besides the four Imams, he himself explains, “These would be Imamul Haramin, Imam Ghazzali, Ibn Sam’an who followed the Shafe’i school but were also Mujtahids themselves.” He continues, “As for that person who is honest and truthful, he will also never doubt the stature of Imam Sha’rani in his status of being a Mujtahid.”

Certainly, the words of Mia Nazeer Husain Dehlwi should be a lesson to the latter day Ghair Muqallids who condemn Ijtihad, Qiyas and consider Taqleed as shirk and bid’ah. This is also a lesson to them from the words of their own leader that Ijtihad and Qiyas certainly has a valid basis within Islam and can certainly

be considered as the truth. For anyone to think otherwise, is a source of misguidance and error.

Existence of Ijithad in the time of the blessed companions

There is no doubt that the Ijtihad and Qiyas of the Aimmah is something which is amply proven from the Quran and the Ahadith and has been fully agreed upon. However, for certain people to consider these important institutions as false and bid'ah is only the belief and behavior of people who support corrupt individuals such Ibn Taymiyah, Ibn Qayyim etc. In fact, these corrupt individuals have such certainty in lunatics like Ibn Taymiyah and Ibn Qayyim that you would think it is part of the Quran. In fact, some of them have actually refuted clear and apparent laws of the Quran in preference to the opinion of Ibn Taymiyah and Ibn Qayyim. They are also people who have no shame and continue to try and corrupt the innocent Muslims who may not have much knowledge of Islam. Their purpose is to confuse the innocent Sunni Muslims by claiming that the opinions and statements of the Aimmah Mujtahideen and their Ijtihad is false, it is bid'ah and has no proper basis. They also claim to the innocent Sunni Muslims that this is not permitted in the Quran, the sunnah and is certainly not found in the time of the Holy Prophet – peace be upon him – or in the time of the Ashaab.

However, our purpose in this article is to prove to the innocent Sunni Muslims who possess the correct Aqeedah that even in the time of the Holy Prophet – peace be upon him – certain Ashaab did practice on Ijithad and were permitted to do so. They also certainly performed Ijtihad and the Holy Prophet – peace be upon him – did not display unhappiness in this action but actually encouraged them further and if there was a mistake committed, he also corrected them but he never restricted Ijtihad.

There is a common misconception that Ijtihad and Qiyas is something which occurred after the era of the Holy Prophet – peace be upon him. They believe that the reason that Ijtihad and Qiyas was not in existence in that period is because the Quran was still being revealed and the blessed Ashaab could find any answers to their questions and queries and they could immediately verify it. There is also no doubt that the need for Ijtihad though was official after the era of the Holy Prophet – peace be upon him.

In other words, they created such rules and performed such Ijithad which made later Muslims free of trying to analyse certain issues. However, to think that Ijithad was not performed in the time of the Holy Prophet – peace be upon him – or to think that there was no need for this, is certainly an opinion which has no basis. Yes, at the same time, it must be understood that the basis and foundation is certainly the Quran and Ahadith and this is the precondition for Qiyas and Ijtihad. In the book, Musallam al-Thaboot, it is mentioned, “In other words, it is necessary to understand the words of the Quran, its proper meaning and command and in the same manner, it is necessary to understand the words of the Hadith, its meaning, its various sanads and these are some of the requirements for a Mujtahid. The reason for this is so that the decision of a Mujtahid does not oppose any specific command. Therefore, during the era of the Holy Prophet – peace be upon him – there was no need for Ijithad because the Holy Prophet – peace be upon him – was himself present and this was a source of Nass. Hence, if one had to choose any opinion contrary to his, then it would have created discord.”

After understanding this, another important point which should be understood that the Ijithad would have only been considered anything otherwise if there was a mistake found in this decision. However, if the Ashaab lived very far away from Madina shareef, then certainly, they had to act on certain Qiyas and Ijtihad and even if they made a mistake, this would not have harmed them. At the same time, it must also be understood that some of the blessed Ashaab were already well learned in Islamic law to be able to apply their own Ijithad. This is certainly seen in blessed individuals such as Hadrat Sayyiduna Mu’az bin Jabal, Hadrat Sayyiduna Abu Moosa Ash’ari, Hadrat Sayyiduna Amr bin Al Aas – May Allah have mercy on them.

(Al Usul Sarkhasi. 2/130)

Ijithad of the blessed Ashaab

According to our knowledge, the education of the blessed Ashaab in regard to Ijithad was divided into three segments or faculties. They were:

1. Mutual consultation or Jurisprudential forum
2. Ijithad in times of absolute necessity
3. Being able to analyse and dissect certain specific commands and laws

1. Mutual consultation or Jurisprudential forum. There were certain eminent companions who used to discuss certain issues among themselves under the guidance of the Holy Prophet – peace be upon him.

The Holy Quran has also encouraged the mutual consultation in Surah Ale Imran, verse 159 as follows:

فِيمَا رَحِمَهُ مِنَ اللَّهِ لَئِنْ لَمْ يَأْمُرْ بِهِ لَأَسْتَفِزَّهُمْ فِي الْأَمْرِ ۚ وَلَوْ كُنْتَ فَظًّا غَلِيظَ الْقَلْبِ لَانْفَضُّوا مِنْ حَوْلِكَ ۚ فَاعْفُ عَنْهُمْ وَاسْتَغْفِرْ لَهُمْ وَشَاوِرْهُمْ فِي الْأَمْرِ ۚ فَإِذَا عَزَمْتَ فَتَوَكَّلْ عَلَى اللَّهِ ۚ إِنَّ اللَّهَ يُحِبُّ الْمُتَوَكِّلِينَ ﴿١٥٩﴾

Then, it is of the mercy of Allah that O beloved! You became gentle for them and if you had been hot headed, hard hearted, then they certainly would have dispersed from your circle, so pardon them and intercede for them and consult them in the affairs; and when you have made up your mind for any thing, then put your trust in Allah. Undoubtedly the trustful are dear to Allah.

In other words, this proves that during this mutual consultation, the blessed Ashaab were allowed to present their thoughts, ideas and opinions. This is also a fact that perchance one of their opinions were accepted but it did not mean that the opinions of the others were considered as incorrect or false. If we look at the battle of Badr, we see an example of this. When the Holy Prophet – peace be upon him – asked Hadrat Sayyiduna Abu Bakr and Hadrat Sayyiduna Umar – May Allah have mercy on them – what should be done with the prisoners. Remember, he was now asking for an opinion!

Hadrat Sayyiduna Abu Bakr – May Allah have mercy on him – replied that this was the nation of the Holy Prophet – peace be upon him – and therefore his opinion was that they be allowed to give Fidyah and then be released. In this manner, the power of Islam would also increase and perchance, they may also accept Islam. When Hadrat Sayyiduna Umar – May Allah have mercy on him – was asked his opinion, he replied, “I swear by Allah azza wa jall that my opinion is not the same as the opinion of Abu Bakr, O Prophet of Allah azza wa jall! These people are the leaders of the disbelievers and their patrons. It is my opinion that they should be turned over to us. Ali should behead Aqeel and a certain

family of mine should be given to me and I will behead him.” However, the Holy Prophet – peace be upon him – preferred the opinion of Hadrat Sayyiduna Abu Bakr – May Allah have mercy on him. In other words, they be allowed to give fidya and free themselves. However, we see that when the fidyah was given, then the 67th verse of Surah Anfal was revealed which is:

مَا كَانَ لِنَبِيٍّ أَنْ يَكُونَ لَهُ أَسْرَىٰ حَتَّىٰ يُثْخِنَ فِي الْأَرْضِ ۚ تُرِيدُونَ
عَرَضَ الدُّنْيَا ۗ وَاللَّهُ يُرِيدُ الْآخِرَةَ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ ﴿٦٧﴾

It is not befitting to any Prophet that he should make captive to infidels, until he has immensely shed their blood in the land. You desire the goods of the world; and Allah desires the Here after. And Allah is Dominant, Wise.

In the same manner, Hadrat Sayyiduna Abdullah ibn Umar – May Allah have mercy on him – narrates that when the Muslims arrived in Madina shareef, the Muslims used to gather for Salah as per their discretion. In other words, there was no announcement made. One day there was a mutual consultation and various ideas of calling for congregation were presented; such as bells, drums etc. However, Hadrat Sayyiduna Umar – May Allah have mercy on him – suggested that there be a caller that would call people to Salah and this was agreed upon by the Holy Prophet – peace be upon him. The Holy Prophet – peace be upon him – then instructed Hadrat Sayyiduna Bilal – May Allah have mercy on him – to call people for Salah.

(Bukhari shareef. 1/85. Muslim shareef. 1/164)

During this occasion, the Ijtihad of Hadrat Sayyiduna Umar – May Allah have mercy on him – is clearly evident and it was his opinion which was accepted.

Ijtihad in times of necessity

There were also times when the Ashaab were on journeys and the Holy Prophet – peace be upon him – was not present among them, and thus, they were forced to make Ijtihad on their own, as they were not near the Holy Prophet – peace be

upon him – so they could ask a certain question on a certain issue. At this time the Ashaab were also clearly permitted to make Ijtihad. When we look at the incident of Hadrat Sayyiduna Mu'az bin Jabal – May Allah have mercy on him – this also becomes clear. We will now look at a few examples when the Ashaab were forced to make Ijtihad on their own.

- i. Hadrat Sayyiduna Abdullah ibn Umar – May Allah have mercy on him – narrates that on the day of the battle of Ahzaab, the Holy Prophet – peace be upon him – declared, “No one should perform their Asr except in (the valley of) Bani Quraydah. While they were on the journey, the time of Asr arrived, some among them said that they would perform the Asr Salah at this place and some others mentioned that they would perform their Asr Salah when they reach Bani Quraydah. Some among them felt that the Holy Prophet – peace be upon him – did not mean that if the time of Asr arrived before that, they should not read their Salah. When this news reached the Holy Prophet – peace be upon him, he did not say anything or rebuke anyone.”

(Bukhari shareef. 2/591. Kitaabul Maghaazi)

Those companions who did not read their Salah while on the journey, felt that the prohibition was concrete in its meaning and therefore, there would be no harm even if the time elapses. In other words, they were divided into two in order to perform their Salah. The first was a warning that the Asr would be read when they were in the valley of Bani Quraydah and the second warning was the issue of time having elapsed. In other words, they felt that there was a specific time. As for those Ashaab who performed their Asr Salah while on the journey during the time of Asr, they were of the opinion that this warning was not based on strict prohibition but a mere indication.

Hence, they felt that if the time appeared for Asr Salah, it should be performed. At the same time, when the Holy Prophet – peace be upon him – was informed about this, again, the Holy Prophet – peace be upon him – did not rebuke anyone. From this, we come to understand that there is no sin upon a Mujtahid whether he is correct or incorrect in his opinion and decision. By virtue of the fact that he did not refute any of the two groups clearly proves that it is Waajib for a Mujtahid to practice on his opinion. Even though at times, there is a possibility of him having made a mistake. Also, bear in mind that in both of these groups, both of them could not have been correct in their decision. One might have erred.

However, since this was specific to a certain time and occasion that specific time and occasion had elapsed, therefore the Holy Prophet – peace be upon him – did not feel it necessary to reveal their error in Ijtihad. Therefore, the question also does not arise as to why the Holy Prophet – peace be upon him – did not mention anything. Again, it was because the time had already elapsed.

2. Hadrat Sayyiduna Abu Saeed Khudri May Allah have mercy on him narrates there were two people who were on a journey. The time for Salah had arrived and they did not have any water. They then made Tayyammum with clean sand and performed their Salah. However, water suddenly appeared at that moment. One of them then made Wudu and re-performed his Salah and the other did not repeat his Salah. They then appeared in the blessed court of the Holy Prophet – peace be upon him – and mentioned what had happened. To that person who did not make Wudu and did not repeat the Salah, he mentioned, “You have attained the Sunnah and your Salah was correct.” As for that person who had made the Wudu and re-read his Salah, he mentioned, “You have attained double reward”.

The first person who did not make Wudu in spite of the fact that water had become available, he had practised on the law that Tayyammum was specific and there was no condition attached to it; whether one finds water or not. The other companion felt that this law was only applicable for the situation when the time of Salah appeared and if within that time period, water is found and the time of Salah is still valid, then it is more preferred that one makes Wudu and repeats the Salah. The Holy Prophet – peace be upon him – made it clear that both of them had acquired reward even though both had practised on their Ijtihad. From this we come to know that when a Mujtahid does not find evidence, then he would practise on the best option he feels correct. However, if he practises in a more cautious manner, then he would be entitled for two rewards. Both of these actions would then be acted upon using the intention.

3. Hadrat Sayyiduna Ammar bin Yaasir – May Allah have mercy on him – states that once a person appeared in front of Hadrat Sayyiduna Umar – May Allah have mercy on him – and stated, ‘If I do not find water while I am in need of a bath, then what should I do?’ At that moment, I mentioned to Hadrat Sayyiduna Umar – May Allah have mercy on him, “O Ameerul Mo’mineen!

both of us were on a journey and we needed to bath and you did not read the Salah but I continued to roll on the sand and then performed my Salah, and I had mentioned this to the Holy Prophet – peace be upon him – and he stated, ‘This is sufficient for you and he slapped his hands on the ground, then blew on it and then passed this over his hand and face.’”

(Bukhari. 1/48. Muslim. 1/161. Abu Daud. 1/53. Tahaawi.1/72)

From this hadith shareef, it becomes clear that during the blessed era of the Holy Prophet – peace be upon him – the blessed Ashaab did practise upon Ijtihad and Qiyas. The opinion of Hadrat Sayyiduna Umar – May Allah have mercy on him – was that Tayammum was only a substitute for Wudu and not for when one required to have a bath. Hadrat Sayyiduna Ammar bin Yaasir – May Allah have mercy on him – was of the opinion and made Qiyas that Tayammum was a replacement for Wudu and therefore this was also applicable for when one needed a bath. In other words, the act of placing sand all over the body would be a substitute for water, hence he placed sand all over his body. However, the Holy Prophet – peace be upon him – did not admonish him. This again proves that if the decision of a Mujtahid is incorrect, he will not be condemned and he also does not have to repeat his action.

(Fathul Bari. 1/33. Ash’atul Lam’aat. 1/263)

In the Sharah of the above Hadith shareef, Imam Asqalani – May Allah have mercy on him – explains that “Even in the era of the Holy Prophet – peace be upon him – there are instances of Ashaab practicing Ijtihad.”

(Fathul Bari. 1/303)

Changes to Shariah laws

The definition of Ijtihad is, “It is for a jurist to make immense effort in the interpretable command to acquire a command or verdict. This is called Ijtihad”.

(Musallamuth Thabut ma’a Fawaatihur Rahamut 603)

From this definition, we also come to understand that Ijtihad would include the interpretation and implication of certain Quranic verses as well.

We will now have to see whether this actually took place in the blessed era of the Holy Prophet – peace be upon him – or not. It must be borne in mind that even though they had the opportunity of inquiring about its implication and interpretation, still, there are examples to be found in this regard. One of the reasons is because they were also warned about asking questions in excess. In Surah Ma'idah, verse 101, a dire warning is given in this regard. The Quran states:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَسْأَلُوا عَنْ أَشْيَاءٍ إِنْ تُبَدِّلَكُمْ تَسْأَلُكُمْ ۖ وَإِنْ
تَسْأَلُوا عَنْهَا حِينَ يُنَزَّلُ الْقُرْآنُ تُبَدِّلَكُمْ ۖ عَفَا اللَّهُ عَنْهَا ۗ وَاللَّهُ
غَفُورٌ حَلِيمٌ ﴿١٠١﴾

O believers! ask not such things which if disclosed to you, may displease you; and if you will ask while the Quran is descending then they would be disclosed to you. Allah has already pardoned them. And Allah is Forgiving, Forbearing.

Because of this warning, these blessed souls used to make Ijtihad, and at the same time, one of the objectives was for them to become proficient in this field as well. In other words, they were receiving a very important lesson and education as we will see later on in this article. Some of these Ijtihad decisions were corrected by the Holy Prophet – peace be upon him – and some of them were commended. Some of them were left in that state and therefore, this came into the category of those actions which were rewarded.

We will present a few examples in this regard from the blessed Ashaab and through this, we will also come to realise whose interpretations or Ijtihad were considered as decisions which attained reward and which were considered as mistakes.

1. Hadrat Sayyiduna Amar bin Al Aas – May Allah have mercy on him – narrates that during the battle of Zaat Salaasil in one very cold night, it became necessary for me to have a bath. I also had the fear that if I perform the Ghusl then I might die (with the cold). I then made Tayammum and performed the Salah with my friends”. (In other words, he was the Imam)

This was also brought to the attention of the Holy Prophet – peace be upon him. The Holy Prophet – peace be upon him – then asked, “O Amar! You had performed the Jamaat with your friends in this state of impurity?” I then mentioned the reason why I did not make the Ghusl. I also mentioned that the Almighty azza wa jall had also declared:

وَلَا تَقْتُلُوا أَنْفُسَكُمْ ۖ إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا ﴿٢٩﴾

“And kill not yourselves. Undoubtedly, Allah is Merciful to you.”

(Nisaa 4, Verse 29)

The Holy Prophet peace be upon him then smiled and did not say anything.

(Abu Daud. 1/56)

In other words, he had taken the command to make Tayyummum in its common sense and the Holy Prophet – peace be upon him – did not reject his Ijtihad but smiled and this clearly proves the Ijtihad of the blessed companions. This also proves that Ijtihad did in fact take place during the blessed era of the Holy Prophet – peace be upon him. In the Sharah of this Hadith shareef, Imam ibn Hajr Asqalani – May Allah have mercy on him – explains, “This proves that during the era of the Holy Prophet – peace be upon him – Ijtihad was permissible.”

2. Hadrat Sayyiduna Jabir May Allah have mercy on him narrates that, “We were once on a journey and one of (our companions) was severely hurt by a rock and he injured his head. At the same time, he was also in need of a bath. He then asked his companions whether they give him permission to make Tayammum. They said to him that they did not see the permissibility of him making Tayammum when he had water available. He then made Ghusl with water and passed away.” When we returned to the court of the Holy Prophet – peace be upon him, we informed him about what had happened, “May Allah destroy them. They have killed him. When they did not know, why did they not ask. The remedy for not knowing is to inquire. Tayammum was sufficient for him. He should have

placed a cloth over his wound and merely passed his hands over it and could have washed the balance of his body.”

(Abu Daud. 1/56)

As for those people who commanded this person to make Ghusl they mentioned the verse in Surah Nisa, 43 which is:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَقْرَبُوا الصَّلَاةَ وَأَنْتُمْ سُكَارَىٰ حَتَّىٰ تَعْلَمُوا مَا
تَقُولُونَ وَلَا جُنُبًا إِلَّا عَابِرِي سَبِيلٍ حَتَّىٰ تَغْتَسِلُوا ۖ وَإِنْ كُنْتُمْ
مَّرْضَىٰ أَوْ عَلَىٰ سَفَرٍ أَوْ جَاءَ أَحَدٌ مِّنْكُمْ مِنَ الْغَائِطِ أَوْ لَمَسْتُمُ النِّسَاءَ
فَلَمْ تَجِدُوا مَاءً فَتَيَمَّمُوا صَعِيدًا طَيِّبًا فَامْسَحُوا بِوُجُوهِكُمْ
وَأَيْدِيكُمْ ۖ إِنَّ اللَّهَ كَانَ عَفُورًا غَفُورًا ﴿٤٣﴾

'O believers! approach not prayer while you are intoxicated, until you have so much sense that what you say, you understand, nor when you are unclean without taking a bath except when you are travelling; and if you are ailing, or on a journey, or any one of you comes from privy, or you have touched women and you do not find water, then take some pure earth and wipe there with your faces and your hands. Undoubtedly, Allah is Pardoning, Forgiving.

in its literal sense. In other words, Tayammum was only allowed when there is no water available and this was its condition and for as long as there was water available, there was no permission to make Tayammum. If we look at the above verse also, we will find that the words are, “If you do not find water”. We see that the Holy Prophet – peace be upon him – refuted this interpretation clearly indicating that Tayammum was not only applicable if there was no water found, but also, if there was water but there was danger in using it because one could harm oneself or one could become very ill, then in this instance, one was allowed

to make the Tayyamum. This was clearly understood by Hadrat Sayyiduna Amar bin Aas – May Allah have mercy on him – and we saw that the Holy Prophet – peace be upon him – accepted his Ijithad.

There are many examples of this which can be found in numerous books. We will present two more Ahadith in this regard of how Ijithad was used in determining a certain Shariah law.

1. Hadrat Sayyiduna Abdullah ibn Abbas – May Allah have mercy on him – narrates that a female once appeared in the blessed court of the Holy Prophet – peace be upon him – and asked, “My mother had taken a vow to perform Hajj, but she could not perform the Hajj and she has passed away. Can I perform the Hajj on her behalf?” The Holy Prophet – peace be upon him – replied, “You may perform the Hajj on her behalf. Tell me, if there was a debt on your mother, would you repay this debt? Therefore, fulfil the duty to Allah azza wa jall and fulfilling this right on others is clearly apparent.”
(Bukhari shareef. 1/250)

The Holy Prophet – peace be upon him – have an example of how Hajj Badal becomes Waajib on someone else. In other words, as one deed or act is necessary upon someone, in like manner, it would be necessary for his substitute to fulfil this responsibility.

2. The story of Hadrat Sayyiduna Umar May Allah have mercy on him kissing his wife while he was fasting has also been presented. As we saw, the Holy Prophet – peace be upon him – did not command him to have a bath. In other words, he used this example and the example of someone gargling their mouth while fasting. As gargling the mouth would not break the fast as long as water does not enter the stomach, in like manner, kissing one’s wife would not break the fast. There are in fact many examples of new incidents and occasions which were presented to the blessed Ashaab and they were given an opportunity of using their Ijithad and Qiyas so that this could also become a lesson to others on how to handle certain issues. If this was not the case then the doors of Ijithad would have remained ceased and this would have certainly created major problems for

future generations. The examples presented above gives us clear proof and evidence that Ijtihad was certainly practised in the blessed era of the Holy Prophet – peace be upon him. This became a set of rules which also guided future generations of Muslims on how to tackle arising issues they are faced with.

The compilation of the laws of Fiqh and its principles and the consideration of learned Ulama in this regard

When the blessed period of the Holy Prophet – peace be upon him – had passed, the Muslim empire spread to all directions of the globe. When the Muslim army under the command of Hadrat Sayyiduna Usaamah bin Zaid – May Allah have mercy on him – left the blessed city of Madina shareef, very soon, countries like Iraq and Iran came under Islamic rule.

With the growing challenges faced by Muslim rulers came new demands. Bear in mind that this was an ever-changing community. Muslims were now appearing from different parts of the globe and with the different climate, Islam was faced with newer methods of being able to adjust. Also, remember that Islam is a religion of one's nature or Deen al-Fitrah. Therefore, its basis, its principles and its laws had to look at the changing nature of people it was facing.

Yet, in spite of this revolution, Islam was the only religion which was able to maintain its originality, yet, at the same time appeal to its converts. The Hadith shareef also explains that “wisdom is the lost treasure of a Muslim and wherever the man of wisdom finds it, he has the right to it.”

(Mishkaat from Hadrat Sayyiduna Abu Hurayrah – May Allah have mercy on him)

As Islam spread around the world, in the early stages of Islam, the Quran and the Sunnah were sufficient for those who lived in this small community. However, as Islam spread, the Holy Prophet – peace be upon him – also devised two strategies in this regard. The first was the Quran and Sunnah and the second was the laws and commands which would be derived from this. This became the basis of Fiqh.

The question which arises is that if the Quran and Sunnah were sufficient; what was the reason for the appearance of Fiqh, the compilation of laws etc. The answer for this is simple. Remember that the explanation to the Quran can be further understood from the Ahadith, and the Holy Prophet – peace be upon him – had already explained many laws and commands when he was in this world, however, the need for Fiqh became an absolute necessity when we look at the

following explanation and its background. This world is a place where man and other creation are co-existing on a daily basis. In fact, the Divine Manifestation is seen every day in a different light. That which was seen yesterday, is not seen today and that which is seen today, will not appear tomorrow.

As a matter of fact, even one of the oldest creation which is sun is seen to rise from the East and set in the West, yet, those who are learned in this field also know that it does not precisely rise from the exact spot in the East everyday and sets in the exact spot in the West everyday. The same is applicable to the changes of seasons, the times of the day and night etc. Everything around us changing on a moment to moment to basis. This is same thing when it comes to the ever changing attitudes and character of humans and animals. Also remember that Islam is a religion which would exist until the day of judgement. At the same time, in spite of the ever changing environment, it has its own set of principles and foundation. Such is the greatness of Islam that the world cannot encompass it but it can encompass the world. This is the difference between Islam and other religious institutions or constitutional entities. We notice that after ten years or even after a hundred years, the constitution of any state comes up for review. Some changes are made, certain laws are removed, some are added and many are amended. Bearing all of this in mind, let us now look at Islam. In the Quran, in Surah Maidah, verse 3:

الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتِمَمْتُ عَلَيْكُمْ نِعْمَتِي وَرَضِيتُ لَكُمُ
الْإِسْلَامَ دِينًا

This day I have perfected your religion for you and completed My favour upon you and have chosen Islam as religion for you.

In other words, whatever rules and laws exist in Islam have become complete. In other words, this is now that religion which would continue to quench the thirst of creation until the day of Judgement. Everything; dry and green, is to be found in the Quran and Sunnah. There can be no changes to that which has been mentioned. However, be that as it may, another challenge which faced Islam is how would it be able to face the challenges from new communities entering its fold on a daily basis. Was this the only law which existed in Islam? Bear in mind that Islam was now no longer only found in Arabia. Its adherents were found all

over the world. These new converts came with different languages, cultures and challenges.

The question which arose is that; will Islam bury all of this or will it be able to accommodate these new factors which it faced. How will Islam be able to answer the new issues which it faced. Certainly, there were thousands of questions which arose every day and each one of them had to be answered in the best possible manner so that the person listening would understand his place in this new religion. As we have already stated, Islam was a religion which was to exist until the day of Judgement. In spite of these new factors, Islam was going to be the religion which would lead the way into the future. How will this new religion on the horizon be able to cope? How will this new religion be able to close the gap between opposing ideas and cultures. The best solution invented in Islam was the solution of Ijtihad. It was through this institution that Fiqh and the principles of Fiqh were created. You may ask the question. what was the need for this? After all the Quran has every knowledge within it. That is certainly true, however in its deep meaning and its intricate message; we had to rely on the Ashaab. In fact, such is the immense knowledge of the Quran that no ordinary human could easily understand it.

There is an interesting story that it took Hadrat Sayyiduna Umar - May Allah have mercy on him – two and a half years to complete merely Surah Baqarah which he studied at the blessed hands of the Holy Prophet peace be upon him! After he had completed this, he arranged a huge feast for everyone as a mark of appreciation. Bear in mind that we are also talking about someone who himself was considered as one of the most eloquent Arabs of his era. Yet, in spite of this, what was the reason for him to study a book in Arabic and that too, to be educated by someone else and take two and half years to complete it? Was he only taught the meaning of each word. No, he was taught the deep intricate meaning of each letter and each word. In fact, he was taught the secret of the most secret implications in each word and sentence. This was that knowledge which was able to brighten the inner soul of man.

This was the meaning which was indicated in the hadith shareef in which was mentioned that if all the trees became a pen and all the oceans became ink, the secret and the meaning of the Quran would still not be encompassed. From this, we come to understand that if the Quran was something which merely had an outer meaning and dimension and nothing else, why would it be something which cannot be encompassed. However, as the time went on, it became clear

that the knowledge of the Quran is a vast ocean and it was not possible for just anyone to be understand its meaning and inner dimension. There was a specific acumen coupled with Divine Light within a person to be able to fathom the deep secrets of the Quran. And this also had to be made brighter with the light which came from the Holy Prophet peace be upon him in the form of the Ahadtih. This was that special quality which was found within the Muslim jurists of their era.

These were those blessed individuals who were the true Ameen or guardians of this light. This therefore proves that it was not sufficient to understand the Quran only by reading its words. Side by side with this, one also had to be guided through the light of Ahadith and this was an absolute necessity. In fact, anyone who made the claim that they were able to understand the Quran without the assistance of the Ahadith were liars in their claim and they were certainly people who were destined to be doomed.

At the same time, if we now had to look at the Ahadith. It also was something which encompassed a vast ocean of knowledge and yet, it was also hidden in a few words. The Holy Prophet peace be upon him had made it clear that he was blessed with the quality of “Jawaami’ul Kalam”. This meant that in a few words, he could encompass a vast ocean of meaning and implication. And this is the meaning of Mo’jiza which he was blessed with. It was something which was beyond the intellectual comprehension of ordinary people. So if we look at both the Quran and the Ahadith, how would ordinary people be able to fathom the vast ocean of knowledge which was to be found in both? In fact, this secret was already mentioned by Hadrat Sayyiduna Abu Hurayrah May Allah have mercy on him when he mentioned, “I have acquired two containers of knowledge from the Holy Prophet peace be upon him. One which I have revealed and if I reveal the other, people will slit my throat.

(Bukhari shareef. 1/33)

This meant that the Almighty azza wa jall had to create special individuals who would be able to make the common man understand the vast ocean of knowledge which lay in front. The first group in this regard were the blessed Ashaab. If someone claims to understand the meaning of the Quran and the hadith without the guidance of the Ashaab, then he is a liar in his claim. This vast ocean of knowledge was then passed to the Taba’een. This was that blessed generation which followed the blessed Ashaab. Knowledge is something which looks at the

ever changing environment in front and is able to adjust to the situation. There had to be flexibility within it to be able to answer the new challenges it faced. And all of this had to be based on the original principles of Islam. Again, the institution which was going to be able to answer these challenges was the institution of Ijtihad. There had to be a faculty which was able to take the vast meaning found in the Quran and Ahadith and create a framework on which this could be used for the benefit of Muslims in the future. It was clearly stated that, “Halal is that which has been declared as Halal by Allah azza wa jall and Haram is that which has been declared Haram by Allah azza wa jall. And that for which there is no (specific) command, that is Mubah (or permissible).”

There can be no change in this which is the basis of Islam. However, as we have mentioned, the conditions which appear and the environment which is created in the future, there have to be a group of people who have a vast knowledge of Islam to be able to answer these new questions. This is what Fiqh and the principles of Fiqh is able to achieve. This is also what Ijtihad is able to deduce. Bear in mind the eminent Muslim jurist does not move away from the cardinal principles which we have pointed out. They are eminent people who are blessed by the Almighty azza wa jall with great spiritual light. They are blessed even further with Ilme Ladduni or inspired knowledge. They have a vast knowledge of the principles of Islam and the hidden meaning and implication of each law. They are able to place these new issues facing Muslims and placing it in front of the Quran and Ahadith, they are able to derive the appropriate law and the specific ruling for each new issue.

This is something which cannot be achieved by ordinary man. Even if we look at the inventions in the world, there are certain qualified people who create objects and present it to man so that the general masses can enjoy the benefit. At the same time, these people are not considered as the creators of anything but merely people who have facilitated a new invention. In other words, whatever they have created, it would be referred to as a creation of Allah azza wa jall. Still, these people would be considered as people who have done great favour to mankind. This is how the Muslim jurists is looked upon.

They are able to delve into the inner meaning of Islam and bring up new solutions which the ordinary masses are completely unaware of. This creates ease for the common people and people in general are able to practise upon a certain law with ease. Man in general does not have to inconvenience himself by trying to find the inner meaning of certain laws. At the same time, man in general does

not have the intellect nor the acumen to be able to do this in the first place. Therefore, these blessed jurists can never be considered as the inventors of Shariah, but the true servants of Shariah. However, their service to Islam can be considered as something which is based on the highest level possible compared to ordinary people. In following and practising on Islam, they have made it easy for other Muslims. This is the reason that they have been given a special status in Islam. They are considered as special individuals and people who should be followed and emulated. This is also one of the reasons that to move away from Taqleed and follow one's own desire is nothing but madness. This special group of individuals have already been indicated to in the Quran. In Surah Taubah, verse 122, the Quran declares:

And it is not possible for Muslims that all should come out. Then why should not a party from each group should come out that they may gain understanding of religion and warn their people after coming back to them, perhaps they may guard themselves.

In the hadith shareef such people have been highly praised. Hadrat Sayyiduna Ameer Mu'awiyah May Allah have mercy on him narrates that the Holy Prophet peace be upon him has stated that, "He to whom the Almighty azza wa jall intends to do good, He gives him understanding of religion and blesses him with Fiqh (understanding)."

(Mishkaat shareef. Kitaabul Ilm)

In another report, it is mentioned, "How noble is that person who is a faqeeh of religion. When anyone comes to him with any religious need, he is able to help them. And if the world is independent of him, then he is also independent of the world." Another report explains, "A single scholar, (faqeeh), is more powerful against the satan than a thousand worshippers." This is that blessed status and stature which has been given to a Muslim jurist and Mujtahid from the Court of the Almighty azza wa jall and his beloved Prophet peace be upon him. Therefore, it stands to reason that such a person would certainly be honoured and respected. To be able to create new principles in religious law through which the need of Islam is fulfilled, this is the speciality of a Muslim jurist.

A report from Hadrat Sayyiduna Jareer bin Abdullah May Allah have mercy on him explains, "He who invents something good (and noble), in Islam, he will receive the reward for this. And whoever practises upon this, all of the reward

(attained by these people) will also be bestowed upon him and the reward of those who practise upon this will also not decrease.”

(Mishkaat shareef. Kitaabul Ilm. 25)

From this hadith shareef we come to understand a very important message. To create such a faculty which is new but has a connection with religion and the intention is to achieve an advantage for people and it does not oppose any key principles of Islam and is according to the general principles as outlined by the Holy Prophet peace be upon him, these are those things which proved highly beneficial for Islam as it spread around the world. These are also those laws and principles which were able to create the flexibility which Islam required as it moved into the next era.

At the same time, science such as Tafseer of the Quran and the compilation of the Ahadith, these were faculties that came into existence later on. In fact, it was these early Muslim jurists who were the key factors that encouraged these faculties to come into existence. The Muslim jurists are those blessed Muslims who presented such a solid platform for Muslims later on that hundreds of years have passed and yet, Muslims still enjoy the fruits of their hard work and dedication. If they had not achieved what they had, then today, certainly Muslims would have found themselves in great difficulty.

However, we again stress that; all which they had achieved was based on the Quran and the Sunnah and is nothing but a manifestation of both of these. Even though the Tafseer of the Quran and the Ahadith did exist in the time of the Holy Prophet peace be upon him albeit in not such a professional manner as we see today, yet the proper compilation of this knowledge came later. Again though, it was also based on that which existed in the time of the Holy Prophet peace be upon him. In like manner, Fiqh, its various principles, Ijtihad and Taqleed and their various implications did exist in the time of the Holy Prophet peace be upon him, yet, again it was put into proper perspective later on.

As we have said, Ijtihad did exist in that period. The famous hadith of Hadrat Sayyiduna Mu'az bin Jabal May Allah have mercy on him is known to most people.

(Mishkaat shareef. Kitaabul Imaarah)

This hadith shareef proves that Fiqh and Ijtihad is indeed the need of the times and also a perfect way of further understanding the religion of Islam and this has always been supported by the Holy Prophet peace be upon him. This has also always proven to be a solid foundation for Islam which has been able to answer the questions of that period.

After the Holy Prophet peace be upon him, during the period of blessed Ashaab, the principles of Fiqh also became more established. This can be seen from the letter which was sent by Hadrat Sayyiduna Umar May Allah have mercy on him to one of his governor's namely Hadrat Sayyiduna Abu Moosa Ash'ari May Allah have mercy on him. It was a very lengthy letter and it read, "Think carefully before making a decision especially on those issues which creates a doubt in your heart. Those things with which you are unfamiliar with from the Quran and Sunnah, as we meet, let us try to understand and discuss these issues and then perform Qiyas on that issue. And that answer which you feel is closer to Allah azza wa jall and closer to the truth, then you should choose (that option)."

(Taarik Ilm Fiqh. Mufti Sayed Ameenul Ihsaan. Dhaka. page 12)

This is also one of the reasons that the Holy Prophet peace be upon him has stated that, "Upon you is my Sunnah and the Sunnah of the Khulafah Raashideen". From this also we come to understand the immense favour which has been performed by the Muslims jurists for Islam and the Muslims in general. Not only this, they also proved to be of tremendous help to the Muslim masses. How was this achieved? Bear in mind that there are four pillars of Fiqh and the principles of Fiqh. They are the: The Quran, the Sunnah of the Holy Prophet peace be upon him, the Ijmah and Qiyas. Among these, the Quran and Sunnah are considered as the very foundation of Fiqh. Ijmah and Qiyas are merely faculties which compliment and support the Quran and Sunnah and are merely the result of the Quran and Sunnah.

At the same time, Ijithad is only permissible in those circumstances when the ruling of a specific issue cannot be clearly seen in the Quran and Sunnah. Thereafter, similar issues or examples are then studied and looked into and the appropriate ruling is given. This is the reason that Fiqh and the principles of Fiqh are considered as faculties which support Islam and has come about through the Divine Mercy of the Almighty azza wa jall. Prior to this, it would have been impossible to fully understand the laws of Islam.

It is reported that Hadrat Sayyiduna Imam Sulayman ‘Amash May Allah have mercy on him was one of the eminent scholars of Hadith and considered a great Muhaddith of his era and in this field, he was also one of the teachers of Imam Abu Hanifah May Allah have mercy on him. Imam Abu Hanifah May Allah have mercy on him was also very attached to his teacher. One day while he was sitting in the gathering of his eminent teacher someone asked a question. His eminent teacher looked at him and asked, “What do you have to say about these issues?” Imam Abu Hanifah May Allah have mercy on him was able to explain all the rules and laws of shariah pertaining to these issues. His eminent teacher was completely surprised and asked him, “Where did you learn all of this?” He replied, “I have been able to deduce this from the very same Ahadith which you had mentioned.” He then also mentioned the complete sanad of each hadith shareef. After listening to this, his eminent teacher declared, “This is sufficient. Whatever Ahadith I had taught you in one hundred days, you had mentioned all of these to me in one single day. I did not realise that you are also able to practise on these Ahadith.” He then declared, “O the people of Fiqh, you are certainly the physicians and we who are the Muhadditheen, we are the people who present the fragrance and O young man! You have attained both faculties.”

(Al Khayraat Al Hasan. 67)

As the Quran began to spread around the world; initially, there was a certain amount of confusion on the Qirah of the Quran which was eventually resolved, in like manner, as the blessed Ashaab began to leave the world, certain confusion arose about various Ahadith. In answer to this, a special science was invented which was called “Asmaa’ur Rijal”. This also applied to other confusion which appeared in the early part of Islam. The eminent Ulama of that period then created different faculties to remove these types of confusion from the Ummah. The purpose was to enable the Muslims to better understand the laws of Islam and be able to come to a right decision.

This was especially true in the last period of the Taaba’een era when it was found that the principles of Fiqh and Fiqh itself had to be compiled and summarized. The main person who lead this drive was obviously Imaamul Aimmah, Siraajul Ummah, Kaashiful Ghummah, Sayyiduna Imam Azam, Abu Hanifah Numaan bin Thaabit May Allah have mercy on him. Until the present day, this light can still be seen.

Hadrat Imam Mazani Shafi May Allah have mercy on him explains, “Imam Azam Abu Hanifah May Allah have mercy on him is considered as the first person to compile the faculty of Fiqh. Through the various Ahadith of the Holy Prophet peace be upon him, he made this into a separate branch of knowledge and he also devised various chapters in this regard. The first chapter pertained to Tahaarah, (cleanliness), then salah, then various issues of ibaadah and issues after that until he terminated with laws pertaining to Wiraasat or inheritance. This is the same format which was later adopted by Imam Malik bin Anas May Allah have mercy on him then Hadrat ibn Jareej and then Hadrat Hisham May Allah have mercy on them.”

(Taarikh Ilmul Fiqh. Ameemul Ihsaan)

Also bear in mind that this compilation of Fiqh was accomplished through a special board and committee which was set up for this purpose. Each issue was presented and then this was thoroughly discussed in the light of Quran and Hadith. There then followed a lengthy debate between all parties present. Not everyone was allowed in this meeting and it was mostly made up of around forty members. Only those Ulama were allowed in this committee who were experts and authorities in their field. In fact, such was the eminence of these individuals that most of them themselves were Mujtahids. After a lengthy debate on each issue which could sometimes took days, the final decision was made by Imam Azam May Allah have mercy on him. The eminence of this special board can be understood from the words of the famous Muhaddith, Hadrat Sayyiduna Waqee bin Al Jarrah May Allah have mercy on him. He explains, “How could there have been any mistake in the decision taken by Abu Hanifah May Allah have mercy on him when in reality around him sat such individuals as Abu Yusuf, Zufr and Mohammed Shaybaani who were themselves experts in Qiyas and Ijtihad. Experts in hadith like Yahyah bin Zakariyah, Zaahidah, Hafz bin Ghiyas, Habban etc. Experts in Arabic language such as Qasim bin Ma’an (who was the son of Hadrat Sayyiduna Abdullah ibn Mas’ud May Allah have mercy on him). Accepted authorities in Taqwah and piety like Daud bin Naseer Tai (commonly known as Daud Tai) and people like Fuzail bin Ayyaz. If the companions of Imam Azam May Allah have mercy on him were people of this quality, how could he make a mistake. In fact, if he had committed a mistake or made a wrong decision, these experts themselves would have corrected him.”

(Jaami’ul Masaanid. 33)

It is mentioned that Fiqh and the principles of Fiqh started at the same time. It is through Usul that issues are extracted. However, later on, this faculty of Usul became a separate field altogether. There are also manuscripts pertaining to this field of Usul Fiqh which have been left by the eminent students of Imam Abu Hanifah May Allah have mercy on him, namely Imam Abu Yusuf and Imam Mohammed May Allah have mercy on him. Imam Malik May Allah have mercy on him has also alluded a little to this in his Mu'atta. However one of the most authoritative manuscripts in the field of Usul Fiqh is said to be the “Ar Risaalah” of Imam Shafi May Allah have mercy on him.

It also gained immense popularity and it even prompted people like ibn Khaldun to believe that this was the first manuscript written in this field. He writes, “The first person to write a manuscript in the field of Usul Fiqh was Imam Shafi May Allah have mercy on him. His masterpiece is known Ar Risaalah. In it, the great Imam has explained command and prohibition, bayan and khabar (reports and news conveyed). Nuskh or abrogated laws, Illatul Qiyas (or the cause and mean for Qiyas) and the laws and command applicable to these. Thereafter, the Hanafi Ulama also prepared a treatise called “Al Mabsut”. In it, they explained the rules and regulations pertaining to Usul Fiqh and various other issues in this regard. The Mutakallimeen also wrote a few books in this regard as well. However, it was the Hanafi Ulama who had the gift of delving into the actual essence and the most delicate issues of Fiqh and being able to return with a ruling.” (Taarikh Afkaar Uloom Islaami. Raaghib Tabbagh. 2/30).

However, the famous Shafi historian, namely ibn Kalakan has attributed the first manuscript to Imam Abu Yusuf May Allah have mercy on him. He writes, “The first person to compile a manuscript in regards to Usul Fiqh as a base document in regards to Hanafi fiqh was Imam Abu Yusuf May Allah have mercy on him. He dictated the contents and this was then printed and distributed to all parts of the Muslim empire”.

(Taarikh Afkaar Uloom Islami. Raaghib Tabbagh. 2/333)

In fact, the historians have recorded the journey of Fiqh in the following manner. They explain, “The seed of Fiqh (jurisprudence) was planted by Hadrat Sayyiduna Abdullah ibn Mas'ud May Allah have mercy on him, Hadrat Sayyiduna Alqamah May Allah have mercy on him was the one who watered this

seed. Hadrat Sayyiduna Ebrahim Nakh'i May Allah have mercy on him harvested this. Hadrat Sayyiduna Hamaad May Allah have mercy on him removed the husk, Imam Azam May Allah have mercy on him crushed it to a fine powder, Imam Abu Yusuf May Allah have mercy on him kneaded it into a dough and Imam Mohammed bin Hasan Shaybani May Allah have mercy on him made the bread and the entire Ummah is now being fed this bread."

(Fatawah Malikul Ulama. 24)

All the issue within the science of Ijtihad and Fiqh are issues which deal with ones daily living and it has been simplified so that it becomes easier upon people to comprehend, understand and be able to practise upon. All these laws have also been extracted and based solely upon the Quran and Sunnah. Although these various laws and rules are things which have been completed by these eminent scholars of Islam, yet, they are still considered simply as manifestation of Quran and Sunnah.

Following these laws would be considered as following the Holy Prophet peace be upon him. To think that one is following the laws of someone else is nothing but been ignorant and silly. It is also a clear proof and testimony that one is certainly not aware or understands Islam. One of the reasons that these eminent scholars are considered as our leaders in religion is also because to their close proximity to the era of the Holy Prophet peace be upon him. To be able to understand and notice this, one merely has to look at the life of Imam Azam May Allah have mercy on him. He was someone whose arrival was foretold by the Holy Prophet peace be upon him. He is also the teacher of many eminent giants of Islam either directly or indirectly.

Among his students, there were at least forty of them who themselves were considered as qualified and proficient Mujtahids themselves and were considered as individuals who were very lofty in the Divine Court of the Almighty azza wa jall. For nearly forty years, he performed the Fajr salah with the Wudu of the Esha salah. For nearly forty years he continued to fast every day in such a manner

that no one was even aware of it. During the month of Ramadan, he used to complete three Quran in one day. It is also reported that he saw the Almighty in his dream nearly a hundred times. The Qadi of Baghdad shareef, Qadi Ammaarah bin Hasan was the one who performed his Ghusal and while he was performing the ghusal, he kept mentioning, “I swear by Allah that you were the greatest of jurists. You were the greatest Aabid and greatest of Zaahid. All good was found within you and there is no doubt, none is able to emulate you as your successor.” (Nuzahatul Qari. 1/163)

Among those who followed his Mazhab are eminent personalities of Islam; such as Hadrat Sayyiduna Ebrahim bin Adham, Hadrat Sayyiduna Shaqeeq Balkhi, Hadrat Sayyiduna Ma’ruf Karkhi, Hadrat Sayyiduna Bayazid Bustami, Hadrat Sayyiduna Fuzail bin Ayaz, Hadrat Sayyiduna Abdullah ibn Mubaarak, Hadrat Sayyiduna Waqee bin Jarrah, Hadrat Shaikhul Islam Abu Bakr Warraaq, Sultanul Hind Khawaja Gareeb Nawaz – May Allah have mercy on them – and many other personalities of Islam. He was considered as one of the greatest individuals in the Taaba’een era and saw many blessed Ashaab. Such was the acceptance of his dedication to Islamic law that three quarters of the world are people who consider themselves as Hanafi Sunni Muslims. The writer of Majma’ul Behaar baynal Aqwaami, Allamah Mohammed Taahir Fatani Shafi – May Allah have mercy on him – in his book “Al Mughni” has mentioned a very beautiful statement, he has stated, “If the Almighty did not hide the acceptance of the Hanafi mazhab, then either half or even more of the world would have been Hanafis. Until our time, after nearly four hundred and fifty years, people are continuing to worship the Almighty according to his Fiqh and are practising in accordance with his teachings. This is a clear proof of the eminence of this Mazhab and a clear testimony to its perfection.”

(Al Mughni. 80)

Besides Imam Azam, other luminaries of Islam; such as Hadrat Sayyiduna Imam Malik bin Anas, Hadrat Sayyiduna Imam Mohammed bin Idris Shafe’i, Hadrat

Sayyiduna Ahmed bin Hanbal, Hadrat Sayyiduna Sufyan Thouri, Hadrat Sayyiduna Laith bin Sa'ad, Hadrat Sayyiduna Imam Abu Thour and Hadrat Sayyiduna Abdur Rahman bin Umar Awzaa'i – May Allah have mercy on them – have appeared who were true symbols of the teachings of the Quran and Sunnah. They were authorities in Ahadith and the most pious individuals of their era. How can such luminaries in Islam ever say or practise on things which were against the Quran and Sunnah? In fact, they were considered as those individuals in Islam who displayed the most fear for Allah azza wa jall.

Imam Azam – May Allah have mercy on him – has also made a clear statement, “If there is a Hadith shareef whose chain of transmission is authentic then that is my Mazhab.” Once, Hadrat Sayyiduna Imam Shafe'i – May Allah have mercy on him – mentioned to everyone while he was in Mecca shareef, “Whatever you wish, ask me, I will inform you of this from the Quran.”

(Kanzul Imaan. 90)

Hadrat Sayyiduna Imam Ghazzali – May Allah have mercy on him, describing a true Muslim jurist, writes, “A jurist is that person who has no interest in the world. He always looks towards the Hereafter. He has full knowledge about religion. He is always steadfast in his obedience. Under no circumstances does he tolerate any abasement of rights against anyone. He is always looking out for the greater good of the Muslims. He is not greedy for wealth. He understands the hidden dangers and evil which are present. He is also fully aware of all those things which destroy the good deeds of people. He is aware of the pitfalls in the road towards the Hereafter. Besides having contempt for wordily things, he also has control over many wordily things. In every state of his, he is extremely fearful of Almighty Allah.”

(Ihya ul Uloom)

If this is the state and condition of a jurist who is not even a Mujtahid, imagine the state of that jurists who is actually a Mujtahid. This is the reason that these

eminent jurists of Islam were always engrossed in the remembrance of the Almighty and His beloved Prophet – peace be upon him. They were always looking for ways to seek the Divine Pleasure of the Almighty. They did not speak on their own behalf, whatever they said, it was for the sake of Allah. These were those blessed saints of Islam who were blessed with the Light of the Quran and the brilliance of the Hadith shareef. Such is their eminence that until present day, people make dua that they are able to follow the blessed path of these Muslim jurists. Therefore, to follow them is simply obeying the Divine Command of Allah. They are certainly unfortunate who have turned away from these blessed souls. There is also a question which sometimes arises among people that:

- “Why should we only follow the jurists of the first and second century when there were also eminent jurists that appeared later in Islam?”
- After all, the message of the Quran and Hadith is something which would continue to shine until the day of Judgement?
- What is the reason that Muslims are confined to only being Hanafi, Shafe’i, Hanbali and Maliki?”

The answer to this question is very simple. It must be borne in mind that until the second century, there were not only four Mazhabs. And not only were these four Imams considered as the only Imams present. There were many other eminent Aimmah who were Mujtahids in their own right and also had their own followers. In Kufah, it was Hadrat Sayyiduna Sufyan Thouri – May Allah have mercy on him, in Egypt, it was Hadrat Sayyiduna Imam Laith, in Baghdad shareef, it was Imam Abu Thur, in Andalusia and Damascus, it was Imam Awzaa’i – May Allah have mercy on them – and they certainly had their own group of followers. However, there was no continuity in their message and that is the reason that these teachings did not reach our time.

At the same time, their successors also did not record their message and teaching as was done with the successors of the four Imams. And because of this, as time went on, their teachings faded away. When there was no proper record kept of their teachings, how are Muslims expected to follow these Imams. On the other hand, the teachings of the four Imams have been fully documented by their

successors. In fact, until the present age, thousands of manuscripts have been written by followers of each of the four Madhabs. This is the reason that the Sunni Muslim public is found only within these four Mazhabs.

As for the statement that the blessing of the Quran and Sunnah will continue until the day of Judgement. There is no doubt in this statement. However, for anyone to be able to acquire the inner wisdom and knowledge found in the source material of Muslims, there have to be people who are fully qualified to be able to do this. However, we can say that the quality of such jurists only existed until the third century of Islam. If the Almighty creates such an individual in the present era with such qualities, He has the Divine Power Right to do so, this person would be clearly seen by the Muslim Ummah. Such an individual has not been seen by the Muslims though.

The blessing which these eminent jurists received through their proximity to the blessed era of the Holy Prophet – peace be upon him – is no longer available. At the same time, besides this important fact, has anyone in Islamic history been seen with the caliber of the four Imams? Another important point is that there are many branches of knowledge which have been buried as the generations pass by. Some of these immense sciences are also buried with the demise of their possessors. As a matter of fact, this reality is also mentioned in the Hadith shareef. It is mentioned that as the day of Judgement comes closer, knowledge will begin to decrease. The Holy Prophet – peace be upon him has – stated that, “The Almighty will not decrease knowledge among people in such a manner, that it will be removed from their hearts but as the eminent Ulama leave this world, their knowledge will also be taken with them. (After them, they will have no successors with knowledge like this and in this manner, knowledge will decrease). (Mishkaat shareef. 25)

If we look closely at the world today, when the preconditions required for making Ijtihad are no longer present among people, how can it be said that

Ijtihad is still permissible? Another question which also arises is that if this is the case, then how do we deal with new issues which arise all the time? This is what we meant at the beginning when we said that there is flexibility in Islam and the teachings of Islam. The first thing to bear in mind is that we have already established that the preconditions for someone to be a Mujtahid Mutlaq has disappeared many centuries ago. However, there are still people in the world today who are able to delve deeply into the teachings of the four Imams and it is through these blessed Ulama that the solutions can be found in the present era as well. This is also the reason that the category of the Fuqaha have been divided into seven groups.

1. Mujtahid fi al-Shara'/Mujtahid Mutlaq Mustaqil/Mujtahid fi al-Usool
These are those jurists who had the knowledge and the qualification to be able to extract laws and regulations from the Quran, the Sunnah, the Ijmah and from Qiyas and also many subsidiary laws in this regard. In the matter of Usul and subsidiary issues, they are not the muqallid of anyone. These would be the four Imams.
2. Mujtahid fil Mazhab/Mujtahid Mutlaq Ghair Mustaqil
This is that group of jurists who also possess the attributes of the above mentioned but in matters of Usul, they abide by any of the above and through the Usul of the above, they are able to extract issues from the Quran, the Sunnah, the Ijmah and Qiyas. In other words, in Usul, they are muqallid and in Furu' or subsidiary issues, they are considered as Mujtahids. Among these in the Hanafi school would be people like Imam Abu Yusuf, Imam Mohammed and Imam Abdullah ibn Mubaarak.
3. Mujtahid fil Masaa'il/Mujtahid Muqayyid
These are those jurists who follow the first category of Mujtahids in both Usul and Furu' and through both of these they are able to extract such solutions which have not been mentioned by any of the Aimmah of Mazhab. This would include scholars; such as Imam Abu Bakr Jassaas, Imam Abu Jafer Tahaawi, Imam Abul Hasan Karkhi, Shamsul Aimmah

Halwaa'i, Imam Sarkhasi, Imam Fakhrul Islam al-Bazdawi and Imam Fakhrudeen Qadi Khan.

4. Ashaab-e-Takhreej

These are those scholars who are unable to extract any issues or make Ijithad. However, they have a very deep insight into the Usul and Furu' of the Aimmah of Mazhab and through this, they are able to show which issue is in which category. This would be scholars such as Hadrat Imam Abu Bakr Ahmed bin Ali Razi.

5. Ashaab-e-Tarjeeh

They are lower in category than the above but in matters of Usul and Furu' and the narrations pertaining to these, they are able to give preference to certain rulings from the others. These would include scholars such as Imam Abul Hasan Quduri and the author of the Al-Hidaayah, namely Imam Abul Hasan Ali bin Abi Bakr.

6. Ashaab-e-Tameez

They are those who are able to discern the weak statements from the strong. They are also able to discern the Zaahirur Riwayaat from the Naadir Riwayaat. This would include the author of Al-Durr al-Mukhtaar, the author of Wiqaayah etc.

7. Muqallid Mehaz

They are those people who do not possess any of the above qualities and attributes. The statement and action of such people are not something which people can use as a reference point. Yes, they can only report on the statements of the Aimmah of Mazhab. These would include the Ulama of the present generation who can only report on the statements of the Aimmah and nothing else.

(Fatawa Malikul Ulama. 25/26)

We can clearly see that such eminent luminaries of Islam are mentioned in the above categories that the ghair muqallid has not even had the change to saviour the dust which comes from the feet of these giants of Islam. However, apart from their eminent status, all of them are followers and Muqallids of one of the four Imams. One of the giants of Islam is Hadrat Sayyiduna Imam Bukhari – May Allah have mercy on him – who had memorized over six hundred thousand Ahadith with the names of their narrators and understood all the finer points in the science of the Ahadith, is himself a muqallid or adherent of Hadrat Imam Shafe'i – May Allah have mercy on him. How can the deviants, who call themselves ghair muqallids, that do not even know three thousand Ahadith, suddenly start to call themselves Mujtahids?

When one looks at the ridiculousness of such people, he is reminded of the words of Allamah Arshadul Qaderi – May Allah have mercy on him – who said, “Imam Bukhari – May Allah have mercy on him – compiled the entire Bukhari shareef and still remained a Muqallid and these people merely keep the Bukhari shareef in their cupboard and go around claiming that they are Mujtahids.” Another big joke on these people is that whatever they say or whatever statement they make, all of this is certainly something which was told by one of the Imams. If they are actually independent as they claim, then we urge them to say something or prove something which is separate from the teachings of the Aimmah of the Ummah. Allamah Syed Mohammed Tahaawi Hanafi in the footnotes of Al-Durr Mukhtaar has summed all of these facts in the following manner.

He has stated that, “The group in this Ummah who are successful (and will receive salvation) are those who are within the Hanafi, Shafe'i, Maliki or Hanbali mazhab. In the present time, those who separate from these (four groups), that person is a deviant and entitled for the punishment of hell.”

(Page 3/153)

We make dua that the Almighty keeps us within one of these groups throughout our lives.

Ameen

Taqleed in Islamic law, its reality and necessity

There is no doubt that the Quran and the Sunnah is certainly guidance for the life and action of a Muslim. It is a fountain of various laws and regulations. It also encompasses the life and journey of the Holy Prophet peace be upon him in this dunya and contains his words, his actions, his behaviour etc. Hence, for the ummah, it is a source of light and guidance until the day of Judgement. We must bear in mind that from the time of Nabi Adam peace be upon him until the Holy Prophet peace be upon him there has only be one religion and it has been the religion of Islam and this is the religion which would continue until the day of Judgement.

However, each shariah which was sent to this world has gone through changes as the time and generation demanded but the unique quality of the Holy Prophet – peace be upon him – is that the Shariah which has been sent to him is the final and ultimate set of rules and regulations in religion, and after him, there would be no new Shariah. This is the Shariah which has been chosen for the entire universe to follow until the day of Judgement.

In like manner, besides the Sunnah of the Holy Prophet – peace be upon him, it has also been essential for us to follow the Sunnah of the Khulafah Raashideen. At the same time, we have also been commanded to accept without question, the belief system which has been passed on to us by the blessed Ashaab. There is Ijma' on this fact. Those who climb aboard this ship which has been termed the ship of Nabi Nuh – peace be upon him – are those who will reach the shore safely. And those who follow the stars (of guidance i.e. Sahaba), will also be able to navigate safely to this shore. This is the reason that the ship of Nuh – peace be upon him – has been referred to the blessed family of the Holy Prophet – peace be upon him – and the stars have been referred to as the blessed Ashaab of the Holy Prophet – peace be upon him.

There has always been a dialogue or discussion on the various aspects of religion so that it could further guide mankind in that generation which it found itself in. However, at the same time, it made sure that the rules and laws which guided Islam and the Muslims were such that one was not allowed to transgress these laws and step into the realm of kufr and disbelief. In other words, all efforts were made to make sure that these sacred set of beliefs and laws were always protected and safeguarded.

From birth to death, the beliefs and set of rules in ibaadah and daily living is something which has been made obligatory on Muslims. No Muslim is allowed to reject following the Holy Prophet – peace be upon him – and his blessed Ashaab – May Allah have mercy on them – under any circumstances. At the same time, no one's personal opinion is allowed to interfere in any of these laws which pertain to the Quran and Sunnah.

At the same time, even the mightiest jurist or scholar cannot bring his own personal opinion into any of these rules and regulations. In Aqaa'id, there is no Taqleed of any Mujtahid and in like manner, this is also applicable to specific forms of ibaadah. In brief, everything which is clearly mentioned and established in the Quran and Sunnah, in this, there is no Taqleed of any Mujtahid. This is also not something which was seen in the time of the blessed Ashaab. Yes, we also admit that the knowledge of certain sahabi was more than another and his understanding was also greater than another, and because of this, those lesser in knowledge referred to the more learned on certain rules which needed to be fulfilled. After hearing the advice, they followed the advice and guidance. In fact, the practice of asking someone who more learned is something which has even been declared in the Quran.

In Surah Nahl, verse 43 the Quran declares:

وَمَا أَرْسَلْنَا مِنْ قَبْلِكَ إِلَّا رَجُلًا نُوحِيَ إِلَيْهِمْ فَسَأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

And We sent not before you any but men to whom We reveal. Then O people!
ask the men of knowledge if you know not.

Again, encouraging people to study and think further, the Quran declares in Surah Taubah, verse 122:

وَمَا كَانَ الْمُؤْمِنُونَ لِيَنْفِرُوا كَافَّةً ۖ فَلَوْلَا نَفَرَ مِنْ كُلِّ فِرْقَةٍ مِّنْهُمْ
طَائِفَةٌ لِّيَتَفَقَّهُوا فِي الدِّينِ وَلِيُنذِرُوا قَوْمَهُمْ إِذَا رَجَعُوا إِلَيْهِمْ لَعَلَّهُمْ
يَحْذَرُونَ

And it is not possible for Muslims that all should come out. Then why should not a party from each group should come out that they may gain understanding of religion and warn their people after coming back to them, perhaps they may guard themselves.

The Holy Prophet – peace be upon him – has also stated, “The remedy for the ailment of ignorance is to question.”

(Abu Daud shareef)

Making dua for Hadrat Sayyiduna Abdullah ibn Abbas May Allah have mercy on him, the Holy Prophet – peace be upon him – mentioned, “O Allah Almighty, give him understanding of religion and also bless him with the gift of Tafseer and analysis.” As a result of this, he was considered as one of the most eminent amongst companions in these fields. In fact, such was his greatness and learning, that Hadrat Sayyiduna Abu Moosa Ash’ari – May Allah have mercy on him – once declared about him, “As long as this scholar and faqih is among you, till that time, you should not ask me (any question).”

The actual foundation of Shariah is the Quran and Sunnah. And in the light of this, the Qiyas of a Mujtahid has also been considered as one of the foundations of Shariah. One of the Hadith shareef which proves this concept is that Hadith

shareef which explains the departure of Hadrat Sayyiduna Mu'az bin Jabal – May Allah have mercy on him – to Yemen.

(Tirmidi shareef, Daarimi, Mishkaat)

After the Holy Prophet – peace be upon him – had left this world and he made it clear that this Ummah would never be united on misguidance, in the era of Taabe'een and the generation after that, one of the foundation of Shariah also became the Ijma' of the Ummah. Thereafter, the foundation of Shariah was said to be based on four pillars. They were:

1. The Quran
2. The Sunnah
3. Ijma' (Consensus) of the Ummah
4. Qiyas (Ijtihaad)

These were considered as the basis and cardinal foundations of Shariah. They were then set into a register of rules and regulations by the Aimmah and has been carried until the present generation and will continue until the day of judgement. This has become known as the Taqleed of the Aimmah. All the jurists in the various categories which we have already mentioned from 1 to 6 spent their entire life in making sure that this set of rules and regulations as set out by the original Aimmah are strengthened and followed.

Yes, as for the appearance of different issues in Islam, this has continued and will continue. However, even in the present era, it is impossible to find a jurist who even qualifies to be in the second last category of the jurists already explained. In other words, it is impossible to find someone who can said to qualify in the category of Ashaab-e-Tameez. The question is, is there anyone who actually qualifies to be called a Mujtahid. There are certain people who say that the modern day Ulama should also make Ijtihad. Yes, there are people who are looking for new answers to new situations, yet, we suggest that they do not use the word Ijtihad. Rather they should use the word Istikhraaj. This would mean acquiring a solution for modern problems using the basis of the four cardinal principles as their complete reference point and not going out of this boundary.

When we say that no scholar in the present era even fits into the last category of Ijtihad, it means that even in the present time, the great Islamic scholar and Mufti is someone who is a Muqallid. It is waajib for him to always be a muqallid. After all, once we agree that someone is not a Mujtahid, it clearly means that he is a muqallid and through this path only is there salvation and success in both worlds.

That person who is not familiar with the field of medicine, cannot be considered a doctor. That person who does not have religious knowledge cannot be called an Alim. This is even understood by an ordinary person. There is no shortage of pearls and other valuable items in the ocean, but only that person can bring it to the surface who is professionally trained to do so. If this person is not trained, instead of bringing up something of value, the only thing he is going to achieve is drowning. The act of Taqleed only encompasses Fiqh and it is waajib for a muqallid to follow a Mujtahid on those issues which is not clearly indicated to in any of the Nass. As for other branches of knowledge such as Arabic or any modern branches of knowledge a person may acquire as much knowledge as he can. There are no restrictions on him. If he becomes the most brilliant doctor or engineer, this would be considered his personal success and no one has placed any restriction on him. However, in spite of all of this, he has no permission to exceed the limits of Shariah.

Literally, Taqleed signifies placing a band or collar around one's neck (in adherence). In shariah, this means to accept the opinion of any Imam in an issue for which there is no specific proof or testimony. In other words, the issue for which there is no absolute Nass. This has been the accepted definition of Taqleed by eminent scholars of religion.

It therefore means that a person who is not a Mujtahid will automatically be a Muqallid and there is no option for him except this option. When an expert in any field through his research comes to a certain conclusion on any law, it becomes necessary for people to accept this opinion. If a person who is not as

learned as this person objects to this opinion, the people in general would frown upon this person as if he is insane. Centuries earlier, eminent scholars of Islam accepted the institution of Taqleed in the laws of Fiqh and they were people whose eminence was accepted throughout the world. Yet, in matters of Fiqh, they were merely scholars who narrated what they had read and studied and nothing else in their Darul Iftahs.

Such is the status of the four eminent Imams that the Ahle Sunnah wa Jamaah has clearly declared the followers of these Imams to be the only Sawad-e-Azam and no one else. And this has continued for over one thousand years. This can also be substantiated by the Hadith shareef which clearly states that whatever the Muslim sees as good, in the Divine Court of Allah Almighty, it is also considered as good. (Athar ibn Mas'ud)

On the other hand, when we look at the people today who claim that they are Mujtahids on their personal level, we will find that most of them do not even know proper Arabic. Even when they see certain words and pronounce in the Quran and Ahadith, they cannot properly translate these words or sentences.

As for those people who reject the the idea of being a muqallid, they are of two types. The first are those who follow ibn Hazam Zaahir and Ibn Taymiyah and the second are those who are ultra modern or have ultra-modern fancy ideas and education, yet no proper Islamic education. As for the first group, their claim is something else and their actions are something else. They claim they do not accept Taqleed while their action says that even though this is the case, they are genuine muqallids (of Ibn Taimiyah etc.). As for the second group, they say and mention statements which are certainly laughable. In fact, when you listen to their statements and ideas, you will clearly see how illiterate these people really are. They achieve nothing but the cause disunity among the followers of the Sawade Azam. In other words, they become the reason for further division among the Sunni Muslims. Besides creating this division and disunity, what else have

these people actually achieved or what success have they actually achieved for Islam? The only road to success in both worlds is to follow the Sawade Azam (The largest group of Ahlus Sunnah Wal Jama'ah who are on truth) and any road which leads away from this road will lead a person into hell.

Consensus of Ummah on Taqleed

There is no doubt that the institution of Taqleed in every generation has acquired the rank and status of Ijma'. The history of Islam is testimony to this. This is the reason that whenever people have spoken against this important institution, they have been rejected and disowned. These rejecters have used the fake term "pure Tauheed" to hide their true irreligious beliefs but still, people have always rejected them. In the third century after Hijrah when the leader of the corrupt Zaahiriyah sect appeared, namely Abu Daud Zaahiri, he was publicly removed from the folds of the Ahle Sunnah wa Jamaah. In the fourth century, ibn Hazm rejected Taqleed and such was the anger against him that his books were set alight and he was even expelled from his own country. In the eighth century, people like ibn Taymiyah and Ibn Qayyim appeared and spoke against Taqleed and the Ulama present at the time, proved it clearly that these heretics were either insane or lacked any common sense whatsoever.

Even though reports about following an Imam were recorded properly in the second century, yet according to Shah Waliullah Muhaddith Dehlwi, even from the time of the blessed Ashaab, Muslims were in the habit of following and accepting that Imam whom they felt confident in. This method among Muslims continued until the appearance of the four Mazhabs. If this was something which Muslims felt uncomfortable with, they would have certainly not acted in this manner.

(Aqdul Jayyid. 33)

As a matter of fact, the same Shah Saheb has mentioned that this institution of Taqleed seems to be a Divinely Inspired action. In the book, "Ghaayatul Insaaf" page 67, he writes, "In brief, to make Taqleed of an Imam is a secret which the Almighty has placed in the hearts of the Ulama".

If one looks at the explanation of Shah Saheb, we will see that it summarises the complete story and background of Taqleed. For further elaboration on this subject, we can refer to the books of Asmaaul Rijaal and numerous other authentic books; such as Tahzeeb Al Tahzeeb, Tahzeeb Al Asmaa wal Lughaat Imam Nawawi, Tadmiratul Huffaaz, Taarikh Baghdad, Jaami'ul Bayaan wal Ilm wa Fadlihi, Miftaahus Sa'aada, Taarikh Al Khulafah by Imam Suyuti, Taarikh ibn Khalladun, Al Jawaahir Al Madeeyah etc. However, there are a few people who in spite of their claim that they accept Shah saheb, completely refute their words. This is the state of the ghair muqallid in the presented era. They make the false claim that from the first era until the fourth century, there was no such thing as Taqleed and this concept of Taqleed is a bid'ah of the fourth century.

However, in the manuscripts which we have presented, their argument is completely refuted. In fact, in these manuscripts, it is clearly mentioned that Taqleed did exist before this and people did follow a specific Imam of their era. In fact, some of the followers of these Imam were eminent scholars of their period as well and some even included various Qadis of that era. From the first period of Islam until the complete appearance of the four mazhabs, there were many Mujtahid Mutlaq who appeared and these eminent Imams were followed by the majority of Muslims. These would include Hadrat Imam Awzaa'i, Hadrat Imam Khuzaymah, Imam ibn Jareer al-Tabari and Imam Abu Thur to be specific. Allamah Burhaanuddeen Ebrahim bin Ali Maliki in his manuscript, Ad Debaaj Al Mazhab explains, "In Syria and Andulusia, the teachings of Imam Awzaa'i was dominant. However, two centuries later, his mazhab had disappeared. The Mazhab of Imam Malik became the dominant mazhab".

The followers of Imam Hasan Basri and Imam Sufyan Thouri were not in large numbers and the taqleed of these eminent saints did not last very long. As for the taqleed of Imam Abu Thur and Imam Tabari, it also did not last very long, the mazhab of Imam Abu Thur disappeared in the third century and the taqleed of the latter disappeared at the end of the fourth century. After this, according to

what has been explained by Shah Saheb, except for the four dominant mazhabs all other mazhabs vanished from the Islamic horizon. This is when it became accepted by consensus that Sawad Azam constituted of only these four Mazhabs. Anyone who separated himself from these four mazhabs was declared as someone who had left the folds of the Sawad Azam (Ahlus Sunnah Wal Jama'ah).

(Al Aqdul Jayyid. 38)

Substantiating this claim, Shah Saheb further elaborates, "The entire Ummah and the most eminent individuals of this ummah considered it permissible to declare the following of these four mazhabs as being part of Ijma' and this has continued until the present day."

(Hujjatullaah al-Baalighah. 1/23)

Allamah ibn Khalladun has also summarised this fact and had explained the wisdom behind this in great detail. In the Muqaddimah of his Tarikh, he explains that, "In various cities, Taqleed of the four Imams was something which was confined (to only the four Imams). As for those Imams who were followed previously, their followers also did not exist any longer. In this manner, the doors of dispute were also closed. Since there was also a danger that unqualified people would suddenly appear and claim to be Mujtahids, this door was closed when eminent Imams of their period also made it clear that they themselves did not have the qualification to make Ijtihad. They also clearly mentioned the difficulties of being able to do something like this. They themselves in spite of being eminent scholars also began to follow one of the four Imams.

They also felt that if one chooses an Imam today and then suddenly another Imam tomorrow, the religion itself would become a mockery. Therefore, until the present age, the only thing which continues is the continuous rerecording of established laws by these Imams and everyone has decided after careful analysis to follow his own Imam. As for those who claim to be Mujtahids in this era, their words and claims are considered as nothing but a joke since the Muslims have

already established themselves as following one of the four Imams. Explaining the immense wisdom behind this, Shah Saheb also explains many reasons for this. None of these are issues which are hidden from a common man. He explains that, “In this era, the religious acumen of people has certainly decreased. People have also been overtaken by their carnal desires and every person is proud about his own personal opinion.”

(Hujjatul laahu Baalighah)

Ijithad and its preconditions

Some of the conditions which have been described by ibn Khalladun and Shah Saheb clearly prove to us that people are certainly not qualified to have the religious acumen to be Mujtahids. One of the questions which arises that what are those branches of knowledge that one needs to have which has made this such a difficult position to fulfil and because of this, the door of Ijtihad has been closed. In fact, so difficult is this position that some of the most eminent scholars and saints have also made it clear that they are unable to fulfil this position. The complete explanation to the immense knowledge which one needs to possess to be called a Mujtahid is clearly mentioned in books; such as Nurul Anwaar, Musallamuth Thabut, Fawaatihur Rahamut, At Tauzeeh wat Talweeh, Kitaab Al Milal wan Nahl, Minhaajul Usul etc. Among these books, there are five conditions which are explained and if one is able to study these conditions, it would certainly make it very clear that it is impossible for anyone except the four Imams to be able to fulfil any of these conditions.

The conditions of being a Mujtahid by Sayyidi Ala Hadrat – May Allah have mercy on him

The great Imam has also refuted the ghair Muqallid in his famous manuscript, “Al Fadlul Mauhabbi fi Ma’ani idha Sahha al-hadeeth fa huwa Mazhabi”. In this masterpiece, the great Imam has outlined the various conditions which have to be met before a person is referred to as a Mujtahid. In fact, when we look at this manuscript, we will also come to realise the immense encyclopedic knowledge of

this great Imam and yet be amazed to realise that in spite of this vast knowledge, he still considers himself a muqallid. The great Imam has outlined four conditions in this masterpiece. After presenting all of these conditions, the great Imam then presents the words of Imam Shaikhul Islam Zakariyah Ansari – May Allah have mercy on him – who states, “Where are these conditions and where are these people (who self proclaim to be Mujtahids)?” He then further warns people, “Be extremely cautious about refuting the statement or verdict of any of the Imams or claim that an Imam has made a mistake especially when you do not and cannot encompass all the testimony which is to be found in Shariah. One of the simple points to bear in mind is that if you cannot understand all the Arabic words and grammar and all the meaning of these words which entails the Shariah, then where is your status and this vast ocean of knowledge?”

(Al Fadlul Muhibi, page 14 from Mizaanus shariah atul kubra)

After explaining these four preconditions, Ala Hadrat – May Allah have mercy on him – further explains that, “If there is someone who fulfils these four preconditions, he still does not become a Mujtahid Mutlaq, he will only be considered as a Mujtahid of Mazhab. These would include such luminaries as Imam Abu Yusuf and Imam Mohammed – May Allah have mercy on them – within the Hanafi mazhab. In spite of their immense knowledge, these giants of Islam are still the muqallid and followers of Imam Azam – May Allah have mercy on him. Even though, it seems that they differed with Imam Azam – May Allah have mercy on him – on certain issues, but the words of Imam Abu Yusuf – May Allah have mercy on him – clearly clarifies his humility, he states, “There has never been a moment when I differed with Imam Azam - May Allah have mercy on him – on a certain point and then pondered carefully on this and finally concluded that his opinion was something which created more salvation and success in the hereafter. Many times, I studied carefully a certain Hadith shareef and I always found that the great Imam knew much more than me about that Hadith shareef.”

(Al Fadlul Muhibi. 15)

Allamah ibn Aabideen Shami in the Raddul Muhtaar clearly explains that even the eminent jurists of Islam, besides being able to properly oppose any of the Imams (in their opinions), they could not even be able to explain which law or regulation is more acceptable or should be followed. Quoting the opinion of Allama ibn Kamaal Paasha he writes, “Imam Kabeer, Allamah Khasaaf, Imam Ajal Allamah Abu Jafer Tahaawi, Imam Abul Hasan Kharkhi, Imam Shamsul Aimmah Halwaani, Imam Shamsul Ulama Sarkhasi, Imam Fakhurul Islam Ali Bazdawi, Imam Fakhrudeen Qadi Khan, Imam Abu Bakr Razi, Imam Abul Hasan Quduri, Imam Buhaanudeen Maghinani none of these eminent scholars of Islam were able to dispute any rule or law either in Usul or Furuah.” (Al Fadlul Muhibi. 16).

Those individuals who oppose Taqleed should look at the list of these eminent Islamic scholars and certainly feel a little shame when they claim that they see no reason to be a Muqallid and they themselves are Mujtahids. All of this clearly proves to us that those eminent scholars of Quran and Hadith were fully aware of the difficulties of Ijtihad and therefore never made a claim of being a Mujtahid Mutlaq. They were certainly people who had fear for Allah Almighty in their hearts and that is the reason that they displayed humility and never boasted of being a Mujtahid. This is clear from the statement presented by Ibn Khaldun. We will present one more statement from Imam She’rani from his masterpiece “Mizaan Shariatul Kubra”.

As a matter of fact, one of the leaders of the ghair muqallids and spokesperson, Mia Nazeer Husain Dehlwi in one of his fatwah mentions about Imam She’rani in the following words, ‘Without doubt, that person who is fair will not doubt the status of Imam She’rani in his status of being a true Mujtahid’, the same Imam She’rani gives his opinion about being a muqallid. In the same masterpiece he writes, “It is waajib upon a muqallid to follow that which is prevalent in his

mazhab. This has been the manner of the Ulama is every generation.” (An Nahyul Aqeed. 43).

The same Imam has also mentioned that even eminent scholars such as Imam Ghazzali, ibn Sam’aan etc were people who emphasised upon their students that they should follow on Imam and they also mentioned to their followers that if they exceeded their nominated Imam then they will have no excuse to present in front of the Almighty. (Al Fadul Muhibi. 41).

If one studies the history of Islam from the second century onwards, millions of Muslims have followed one of the four Imams. Ibn Khaldun in his Muqaddimah writes, “The followers of Imam Abu Hanifah May Allah have mercy on him are to be found in Iraq, Hindustan and various parts of Asia. Another scholar also admits that the majority of people belong to the mazhab of Imam Abu Hanifah May Allah have mercy on him. This would include Turkey, the Balkans, Russia and various other parts of the Arabia. However, people in certain parts of Syria, certain parts of Hijaz, Yemen, Africa, Java, Indonesia and Kurdistan follow Imam Shafi May Allah have mercy on him. Certain parts of the Western region and central Africa and certain parts of Egypt follow Imam Malik May Allah have mercy on him. There are people in certain parts of Arabia, Syria and certain Arab countries who follow Imam Ahmed bin Hambal May Allah have mercy on him.”

At the same time, if we have to list the eminent scholars in this region who are muhaddith, mufassir etc, it would be too numerous to mention. For a proper perspective, one needs to refer to Tabqaat Mufasssireen, Tabqaat Al Muhadditheen, Tabqaat Al Fuqaha, Tabqaat Al Mu’arikheen, Tabqaat Hanafiyah, Tabqaat Shaafiyah, Tabqaat Hanaabilah, Ad Dibaaj Al Mazhab and many other historical material.

The opinion of the Ulama from the Indo Pak subcontinent in the matter of Taqleed.

If one looks at the history of this region, we will find that prior to the entry of the English into this part of the world, there was no such group as the ghair muqallid. This impurity and fitnah was deliberately brought into this region by the English. We will present a short brief on this. We have already presented the words of Shah Waliullah that he was indeed someone who considered himself as a Muqallid. In fact, he has also mentioned that through his spiritual insight, he was also able to determine that the manner of the Hanafi mazhab was something extremely laudable. In fact, in his book “Fuyuzul Haramain”, he writes, “I was informed by the Holy Prophet peace be upon him that the Hanafi mazhab is extremely laudable and is according to his Sunnah. This is also fully substantiated from the era of Imam Bukhari May Allah have mercy on him and (material) in this regard has also been compiled.”

This is the reason that he always supported the Hanafi mazhab and educated people on practising upon this mazhab. He also warned people about the hidden and apparent dangers of the ghair muqallid. In his book, Aqdul Jayyid, page 36, he writes, “There is great wisdom in adopting one of these four mazhabs and it also damages the ghair muqallid.” In fact in the writing of another famous scholar, namely Moulana Abdul Hayy Faranghi Maheli this is clearly to be seen. In one of his books, “Kitaab Al Asaar Al Marfuh fi Akhbaarul Mouduh”, he writes, “I swear by Allah Almighty that the fasaad of the ghair muqallid has become very famous. They are those people who call themselves the Ahle Hadith. Yet, what connection do these people have with the Muhadditheen. These people have also spread in Hindustan and other countries and through these people, the only thing which has spread is fitnah and fasaad. We make dua to Allah Almighty for protection against this fitnah. There is no doubt that Islam began with the poor and will return to the poor and for those who are in this state, there is glad tidings for them. Such mischievous people have appeared in the past, however, the rulers of Islam made sure that they removed them from the face of the earth. The fitnah of these people were destroyed. However, since there is now no

Islamic government in Hindustan, this fitnah has become common and through this fitnah, great problems have been created for the Muslims”.

In fact, even one of the famous scholars of this movement, Mohammed Husain Bataalwi has also admitted that those who make the claim of being a Mujtahid Mutlaq and completely divorce themselves from being a muqallid, in the end they end up as people without religion. He writes further, “For nearly twenty five years I have seen that those who have no knowledge and yet completely reject a Mutajid Mutlaq and being a Muqallid, in the end they also greet Islam goodbye as well. There are also many other reasons why people have become kaafirs, murtads and faasiqs, yet one of the main reasons for people to become irreligious is to divorce themselves from being a muqallid.” (Khayrut Tanqeed. 6).

The history of the Indo Pak subcontinent we find that it was only through the power of the English that this fitnah was able to spread and take hold in this part of the world.

Those who Oppose Taqleed

There are indeed many types of creation on earth and certainly each one has its own unique quality and speciality. All of these have been created by the Almighty. The first creation we look at is the world of inanimate objects such as the rocks and stones. They are creation which does not possess feeling or sense. The next creation is the plants. Certainly, they have the power to grow and spread but are also devoid of sense and the power to think. They remain in one spot and do not have the power to move. The next group is the world of animals. Yes, they have the power to move and comprehend various things such as smell, danger etc. but that is its limitation. The next is humans. This is that creation which is able to think, to deduce and analyse and also have power to make a decision based on logic. This is that creation who can remove itself from the depths of darkness and ignorance into the light of knowledge and spirituality.

At the same time, we must also understand that not every human is the same or has the same thinking power and intellect. Some are those who are able to reach the moon and some are those who make even animals embarrassed and some are those who cannot even walk straight on this earth. Some are those who become leaders and guide others to the light and some are those who fall into the pit of misguidance and also take others with them. There are some who merely look at this world and everything within it and are able to recognize their Creator and some are so devoid of intelligence that even though examples and testimony are presented in front of them, yet they refuse to accept the Creator. This clearly proves that not all humans have the same thinking power or the same intellect.

This also proves that not everyone has the intellect to become a Mujtahid merely by looking at the Quran and Ahadith. This is also the reason that this responsibility of being able to extract laws and regulations from the Quran and Ahadith has not been placed on every person. Yet, there are certain ignorant people who say that this act of Taqleed is something which was never practised

in the time of the Ashaab and the Taaba'een, hence it is Haraam for us to do so. In the following pages we will endeavour to removed this falsehood.

The defintion of Taqleed and the various groups in this regard

Before we attempt to explain what is Taqleed, there are certain important technical terms which we need to understand first. At the same time, what is the need for Taqleed? How many groups have appeared in the horizon and disappeared, that is also another important fact that needs to borne in mind. The purpose for this is so that we can better understand this new fitnah which is called ghair muqallid. Explaining what is Taqleed, the Ulama of Usul explain that, "This means to accept the opinion of someone else without any proof or testimony being known and to practise upon it. (Usul Al Fiqh Al Islami. 2. etc).

According to the Ulama, taqleed is not permitted in matters of aqeedah and those issues which are fully established and proven and also proven from Qat'i testimony. However, there are certain misled groups who feel that this is permissible in matters of aqeedah. Some of them feel that this is waajib while some feel that Ijtihad is haraam and not permissible.

As for those issues which are considered as subsidiary issues and whose testimony is based in Zanni proofs, there are three groups which exist in this regard.

1. The first group are known as the Zaahiryah. This constitutes the Mu'tazali in Baghdad and many of those who are Imaamiyah. They are of the opinion that it is necessary upon every person to make Ijtihad. They also feel that Taqleed is haraam and not permitted. This view was supported by one of their leaders or elders, namely, Ibn Hazam Zaaheri.

2. The second group are those who believe that after the Aimmah, the doors of Ijtihad are closed and that it is waajib upon everyone to be a muqaliid.

3. The third group can be considered as the group belonging to the Ahle Sunnah wa Jamaah. They believe that even though the doors of Ijtihad are not closed, yet even that person who makes Ijtihad, has to be a muqallid. Yes, as for that person who does not have knowledge and proper qualification, even though he may be a scholar, for this person Taqleed is waajib.

The opinion of the heretic ibn Taymiyah

After looking at the explanation of the three groups, there is no doubt that the first two groups are displaying immense extremity in their thinking. As for the third group, it is more open and also has much more equality in it. In other words, not everyone has been given the responsibility to make Ijtihad and also made sure that those who have the qualities of Ijtihad are not robbed of this status. As for those who do not have the qualification to make Ijtihad, it is necessary upon them to be a muqallid.

The history of Taqleed

From historical evidence, we come to see that the path which is followed by the majority of the Muslims is the correct path. Yet, there are certain people who have been influenced by the Zaaheeri thinking and they start to consider any person as a Mujtahid. They also try to convince the ordinary people that these people who have been nominated as a Mujtahid is some who should be completely followed. They make all effort to remove the band of taqleed from around a person's neck. They also claim to the followers that this taqleed is not permissible because it only began in the fourth century. One of the main people who lead this campaign was an idiot called Qadi Shokaani. He writes, "Taqleed started after the four Aimmah. While these Imam remained on the path of the previous Muslims and did not follow anyone. In other words they did not practise Taqleed. Following these Imams was something which the Muslims just randomly accepted." (Al Qoul Al Mufeed fi adillah Al Ijtihad wat Taqleed. 108).

As for the statement of this idiot that it started after the four Imams is something which is laughable to say the least. He does not back it up with testimony. Therefore, to accept this statement without any basis is also a form of taqleed which he himself has condemned. Therefore this statement of his has no basis whatsoever. In fact, even his own followers should not even accept his opinion. In fact, there are many proofs which can be presented which completely disproves this opinion. In fact, one of his main supports, another idiot called ibn Qayyim has also with his teacher mentioned such incidents in their manuscripts which actually negate their own beliefs. Even ibn Qayyim does not refute the idiot Shokaani in this regard and this clearly proves that these people had nothing to do with the truth and were merely protecting each other's stupidity.

Ibn Qayyim admits that the Ashaab performed Taqleed

He narrates an incident in the book A'laamul Muqineen 164 in which he writes, "When Hadrat Sayyiduna Ali May Allah have mercy on him was in Yemen, then three people approached him with an issue pertaining to a little child. Each of them made the claim that this was his son. He then asked them to draw lots and whoever name's appeared, the child would be given to him. However, at the same time, one third of Diyat would be taken from them and this would be given to the others. When the Holy Prophet peace be upon him heard about this decision and verdict, he displayed pleasure at this (verdict)."

This incident as narrated by Ibn Qayyim, clearly proves that Hadrat Ali May Allah have mercy on him did not have any Quranic verse or hadith to back him up and this is the reason that he acted on his Ijtihad. This is the manner in which he made his decision and when this reached the Holy Prophet peace be upon him he was well pleased and did not refute this decision. From this, we come to realize that even during the time of the Holy Prophet peace be upon him, the blessed Ashaab also made Ijtihad. As for those who did not have the knowledge to make Ijtihad, they used to follow others who were more learned. In this way, the Holy Prophet peace be upon him did not stop Ijtihad and neither did he stop taqleed.

The same ibn Qayyim continues, “In other words, Hadrat Sa’ad bin Mu’az also made a decision based on his Ijtihad. The Holy Prophet peace be upon him supported him in this regard and also mentioned to him that he had made a decision according to what the Almighty had also decreed.”

This report clearly proves that the blessed Ashaab clearly performed Ijtihad and those who did not have this quality, they made taqleed of others. At the same time, the Holy Prophet peace be upon him did not object to both parties. In this way, ibn Qayyim in spite of being a supporter of ibn Shokaani has mentioned many incidents of this nature in his books. This merely proves the standpoint of the Ahle Sunnah wa Jamaah. Therefore, according to Shokaani, who says that this form of taqleed only began in the fourth century is completely baseless.

The sword of ibn Qayyim on the neck of Shokaani

There is no doubt that one of the people who has largely encouraged the spread of Salafis is Shokaani. He spent his entire life in spreading this fitnah of a ghair muqallid. Such was his enmity against the innocent Muslims that all those verses which are meant of the kuffaar, he placed all of them upon innocent Muslims.

Examples of these are the following:

Surah Baqarah, verse 170:

وَإِذَا قِيلَ لَهُمُ اتَّبِعُوا مَا أَنْزَلَ اللَّهُ قَالُوا بَلْ نَتَّبِعُ مَا آَلَفَيْنَا عَلَيْهِ
أَبَاءَنَا أَوْ لَوْ كَانَ آبَاؤُهُمْ لَا يَعْْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ ﴿١٧٠﴾

And when it is said to them, 'follow what Allah has sent down, they say, 'Nay We shall follow that whereon we found our fathers, what! Even if their fathers had no sense at all and no guidance?

Surah Maidah, verse 104:

وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنزَلَ اللَّهُ وَإِلَى الرَّسُولِ قَالُوا حَسْبُنَا مَا
وَجَدْنَا عَلَيْهِ آبَاءَنَا ۖ أَوْ لَوْ كَانَ آبَاؤُهُمْ لَا يَعْلَمُونَ شَيْئًا وَلَا
يَهْتَدُونَ ﴿٦٣﴾

And when it is said to them, 'come to what Allah has sent down and to the Messenger', they say, 'enough for us is that wherein we found, our fathers, what! Even though their fathers knew nothing nor were guided.

Shokaani presented all of these verses and using them, he completely refuted the idea of taqleed. However, his own supporter Ibn Qayyim placed a knife on his neck and mentioned that these verses were only in reference to those people who do not follow Islam properly and merely follow their elders. And this does not mean the Mujtahid because following a Mujtahid and practising upon taqleed is also a means of reward and thawaab. After mentioning these verses of the Quran, he answers a question in the following manner, "There is no doubt that the Almighty has condemned that person who follows his elders and turn away or reject the laws of Islam.

Surah Zukhraf, verse 23,24:

وَكَذَٰلِكَ مَا أَرْسَلْنَا مِنْ قَبْلِكَ فِي قَرْيَةٍ مِّنْ نَّذِيرٍ إِلَّا قَالَ مُتْرَفُوهَا إِنَّا
وَجَدْنَا آبَاءَنَا عَلَىٰ أُمَّةٍ وَإِنَّا عَلَىٰ آثَرِهِمْ مُّقْتَدُونَ ﴿٢٣﴾

And likewise when We sent any warner in any city before you, the affluent thereof said, 'indeed we found our forefathers on one religion and we are following their footsteps.

قُلْ أَوَلَوْ جِئْتُكُمْ بِأَهْدَىٰ مِمَّا وَجَدْتُمْ عَلَيْهِ آبَاءَكُمْ ۖ قَالُوا إِنَّا بِمَا أُرْسِلْتُمْ بِهِ كَافِرُونَ ﴿٢٣﴾

The prophet said, 'and what! even though I may bring to you a better guidance than you found your fathers upon?' They said, 'we deny that you are sent with?'

Shokaani uses these verses of the Quran to negate the idea of Taqleed. He uses his own false explanation to refute any idea of Taqleed. However, ibn Qayyim when he realised this ignoramus was merely running a knife around his own neck had to come to the support of his guru. He then completely destroyed the argument of his own “shaikh”. He had to admit that these verses only indicate to those people who disobey the shariah and instead follow the ways of their fathers and not because they accept Taqleed which is a means of reward and thawab.

In reply to a question, he answers, “there is no doubt that the Almighty azza wa jall condemned that person who follows the ways of his father and turns away from obedience of the shariah. This disobedience is something which the pious Ulama have completely rejected as well. And they are unanimous in this as well. However, that person who strives to understand the rules of the Almighty and still does not arrive at the correct decision and still he follows his own opinion, then this is to be considered as honourable and not a disgrace. He would be entitled for reward and not punishment.” (‘Alaam Al Muqineen. 2/438).

In other words, he also admits that only that taqleed should be condemned where a person merely follows his forefathers which are man made laws and this does not mean taqleed of the Aimmah. Therefore this idiot Shokaani by taking these verses and placing it upon those who are muqallids has certainly gone against the widely held view of the Muslims. In other words, this idiot has gone against a belief which is actually an Ijmah.

His immense discomfort

There is no doubt that the Ulama of the Ahle Sunnah wa Jamaah has certainly placed numerous proof and testimony in their argument and this has appealed to those who are fair and have justice and this behaviour of the Ahle Sunnah wa Jamaah would certainly lead people on the right path.

However such is the stubbornness of these Zaahiri sect that they refuse to remove the rope which has been tied around their necks by these misled people. For example, the Ulama have used the verse in the Quran which clearly states that one should ask the people of knowledge if one is unaware and which is found in Surah Nahl. However, the ghair muqallid Shokaani trying to save his neck comes up with a completely different tafseer of this verse and says that this verse was revealed on a specific occasion for a specific individual. At the same time, he also mentions that if someone asks another who is more learned, he is supposed to only ask about questions relating the Quran and Hadith and nothing else. Has anyone seen such a stupid explanation of the Quran before. In other words, they have such hatred for the Aimmah that no one is allowed to ask them any question. In other words, he has tried to prove his ghair muqallid beliefs but has failed miserably in his effort.

From Taqleed to Ijtihad

When we speak about the nature of man and when he says to himself that I am following someone, then his inner being feels lowly. In other words, a person would ask, shall I become the follower of someone else or should I be the leader? On the other hand, if I say to myself that the Mujtahid whom I am following is someone who had made mistakes, then these lies will not sit very well. In today's world, this is the inner war which seems to be taking place. That person who does not feel insult in following anyone, he will happily follow an Imam.

As for that person who feels insulted by this, he will never feel like following an Imam. Another reason that this topic seems to have become a contentious issue is that the true meaning of Ijtihad and Taqleed has not been properly understood by people. The muqallid would accuse a ghair muqallid and vice versa. In other words, a person would say that since Fiqh is something which is set in stone, there will be no changes and we should accept blindly whatever the great Imam have said. As for the ghair muqallid, he is on the opposite side of the road. He feels that nothing should be accepted of the Imams and that he is free to do whatever he wishes and decides.

Bear in mind that one of the meanings of Ijtihad is to search the Quran and Ahadith and to come up with a proper solution. This can be clearly seen from the hadith of Hadrat Sayyiduna Mu'az bin Jabal May Allah have mercy on him where he clearly mentioned that he will use his own intellect to find a solution. One of the important lessons which should borne in mind is that if there are issues which face us in the modern world, we should look for solutions for this in the Quran and Sunnah. If we look at the Quran and Sunnah, there are numerous laws which can be found. However, which is Fard, which is Waajib and which is Mustahab is something which we have to ponder on. There has to be a set of rules which is able to help us in this regard. Those who do not seem to understand the meaning of Ijtihad are sometimes stuck in this time zone.

As we have also stated that Islam is a religion of fitrat and therefore, answers in this religion will always be found until the day of judgement for every question we have. This is not only applicable for the early period of Islam but for all generations to come in the future. Bear in mind that there are many things which we see in front of us and yet we take this for granted. For example, the Quran has called itself the Quran but where in the Quran has it commanded us that we should gather this in one book? If we look at the Sahih Bukhari shareef, where in the Quran and Hadith are we commanded to show respect towards it?

Yes, the mind of a Muslim has adopted this and Muslims in the large have accepted this without question. If we look at it, we would certainly be considered as people without any intellect if we say that we only respect the Quran which was revealed on the Holy Prophet peace be upon him and not the Quran which was compiled by Hadrat Sayyiduna Uthman May Allah have mercy on him. In like manner, if someone says that he would not like to read the Quran because it contains harakaat like Zabar, Zer, Pesh because this was invented at the instruction of Hujjaj bin Yusuf, people will certainly give him a strange look.

In like manner, it is my opinion that Ijtihad and Taqleed which is to follow a certain mazhab is not something which can be substantiated directly from the Quran and Hadith and yet, at the same time, it cannot even be said to be separate from the Quran. The conditions of the time demanded that there be Ijtihad and the greatest scholars of their era fulfilled that need. However, if we find someone who says that he is not prepared to follow anything which is not found in the Quran and Sunnah or if he says that he is not prepared to accept the Ijmah or the sunnah of the pious predecessors of Islam, then we can safely say to him that he will never be able to practise on the Quran and neither the Hadith. Bear in mind that Islam has always given people the opportunity to have good and pious thoughts first.

The Holy Prophet peace be upon him has advised us to have good thoughts about a Muslim. This is a very important fact of Islam. If we then start to doubt everything which is found in the books of Islam which has been written by the greatest scholars of Islam, then sooner or later, people will even start to doubt the Quran and sunnah. In fact, real Islam will become something which is always in doubt.

After reading through these words, we ask the question, who did the Ashaab make Taqleed of? Where is there mention of Talqeed in the Quran and Sunnah? Who did the Mujtahid make taqleed of? When the Quran and Sunnah is present, why should we follow any Imam? Many of these questions would become very difficult to answer if we continue to display doubt in the source material of Islam.

Yes, we may ask the question, was it necessary to make Ijtihad and was it necessary for the Ummah to become muqallids of some Imam? These are important questions and it is important for us to look at it from all directions. The reason for the importance of these questions is because there have now appeared in this world those who believe that there is no need for the Ahadith and there is also another group who believe that only the Quran and Sunnah should be accepted and nothing else. Therefore, it is not only important to answer the questions of those who object to being a muqallid but we also have to be able to answer their questions in this regard.

What was the need for Ijtihad?

One of the main intentions of Ijtihad was to search deeply in the Quran and Sunnah and to find out the true meaning or implication of a certain issue. And after analysing this, to make Qiyas and find a solution. Bear in mind that Taqleed is as old as Islam itself. There are numerous examples in the Ahadith where eminent Ashaab made a decision and this was accepted and followed by other companions. If we look at the Quran, we will see that alcohol has been banned in the Quran and been declared as Haraam. However, if a person becomes guilty of this crime. What should be done to him?

This is not mentioned in the Quran! When this was discussed between Hadrat Sayyiduna Umar and Hadrat Sayyiduna Abdur Rahman bin Auf May Allah have mercy on them during the era of the former, it was decided that this person be given eighty lashes. In other words, the least amount of lashes which is stipulated in shariah would be given to this guilty person. When Hadrat Sayyiduna Abdur Rahman bin Auf May Allah have mercy on him searched the entire Quran, he found this to be the lowest form of punishment. And this was stipulated as the punishment for a person found guilty of drinking alcohol. In other words, in the Quran and Sunnah, there is nothing which is lessor than this. The other Ashaab also accepted this decision.

Therefore, if we had to clarify this, we can say that this was the Ijtihad of Hadrat Sayyiduna Abdur Rahman bin Auf May Allah have mercy on him and the rest of the blessed Ashaab were muqallids! This was also accepted by Hadrat Sayyiduna Umar May Allah have mercy on him and the same instruction was sent to all the governors of the different regions.

Through this, Ijtihad became a specialist field in which a person is able to delve deeply into the Quran and Sunnah. The person who actually became a master in this field and is said to be founder of this branch of knowledge which is called Ijtihad is Imam Abu Hanifah May Allah have mercy on him. In other words, he made this into a deeply qualified faculty. After him there were many others who appeared and practised upon this. Obviously, they themselves were scholars who were learned in Islam. There was a special set of rules which were laid out. It was also mentioned that these would only pertain to those issues which were not specifically mentioned in the Quran and Ahadith.

We are obviously talking about the actual inception of Ijtihad as a specific faculty. Obviously as we have already seen, it was performed during the time of the blessed Ashaab, but we are now talking about taking this faculty and making it

into a specialist field. There were also certain people who objected to this and felt that this was going against the Quran and Sunnah. In spite of this, there were many eminent scholars who participated in this and at the same time, there were many who objected to this faculty. At the same time, it must be remembered that this was not the name of merely following any Imam for the sake of following an Imam.

Rather, the issue was that since a certain set of rules of a certain Imam was preferred, hence Muslims decided to follow that Imam. In like manner, the people who are ghair muqallids are also people who can be considered as muqallids without them realising it because they also completely and totally accept the opinion and views of their leaders. In fact, whatever proof and testimony these leaders of the ghair muqallid movement have presented, the people who are followers of their leaders have completely accepted all of this. This is the same state with those who are muqallids, they also completely accept the views and opinions of their specific Imam without question. The muqallid believes that whatever his Imam has mentioned is also according to the Quran and Sunnah. They also believe that the statements and opinions of their Imam is also fulfilling the needs of the Quran and sunnah.

As for the common people, they will come to know about all of this from the people of knowledge. In fact, there is no way that anyone can run away from the learned. Now the question which arises is; why was there a need for Ijtihad? We can understand this very easy if we place two examples in front of us.

During the time of the blessed Ashaab, the only person they looked at for guidance and the way forward and was the blessed being of the Holy Prophet peace be upon him. The person who acquired the most knowledge from him was considered as the most learned. In that period there was no specialists faculty in which only the Quran was taught separately, the Hadith separately etc. All branches of knowledge was attained from the blessed Prophet peace be upon him

himself. Those who approached him, took whatever they could and left. The knowledge that was given to the blessed companions was something which could be considered total comprising different faculties. One companion was learned in Quran and also learned in hadith and various other branches of knowledge.

There was no specialist field that they sought. However, when the Holy Prophet peace be upon him left this world and the blessed companions also began to leave this world, there was now a great need to start recording this knowledge because very soon these companions would also leave the world. Some scholars specialised in amassing the various Ahadith, some began to specialise in Quran, some in Asmaa'ul Rijal etc. At that time also, the need for a set of Islamic laws also became a necessity. It was then that Fiqh or Islamic jurisprudence needed to be outlined and set out. All of this was certainly considered as bid'ah and even though this was bid'ah, the ummah felt a great need for this. In the present era, if we start to call everything Bid'ah, it would actually effect the very foundation of Islam and not only Ijtihad and Qiyas.

The question which arises is; Was Imam Bukhari May Allah have mercy on him not a Mujtahid and was Imam Azam May Allah have mercy on him not a Muhaddith? These types of thoughts can only enter the mind of that person who does not understand the meaning of specialisation. The reason that this confusion has arisen is because of the Western culture which has affected us. It must be remembered that the speciality of Imam Bukhari May Allah have mercy on him and others like him was different in the field of Ahadith and the speciality of Imam Azam May Allah have mercy on him and the other Imams in the field of Fiqh and Ijtihad were also different.

Is Taqleed necessary or not? by Professor Doctor Mohammed Mas'ud Ahmed May Allah have mercy on him. (complete).

There is no doubt that Taqleed is something which is necessary upon every human. A Muslim is also someone who has to practise upon Taqleed. In every department of our life, we find that people are always following someone else in whatever they are doing or practising upon. We will enumerate this in a point format.

1. The Holy Prophet peace be upon him has stated that, “I am leaving two things with you and if you hold fast to them, you will never be misled. They are the Quran and Sunnah.

2. The Quran was already compiled in the time of the Holy Prophet peace be upon him and this continued to be compiled in a book form in the time of first and third leaders of Islam. It also reached many parts of the Muslim empire during the time of Hadrat Sayyiduna Umar May Allah have mercy on him. In the same manner, the issue of the Ahadith, they were also collated and compiled into various books and then distributed through the Ashaab to many other people after them. At the same time, not every companion was so learned to give an Islamic ruling and they relied on those more learned to give them advice. In other words, they also performed taqleed of others without any question. It is mentioned that the Islamic ruling left behind by Hadrat Sayyiduna Abdullah ibn Abbas May Allah have mercy on him numbered about twenty volumes. At the same time, we have also been commanded in the Quran to ask those who have more knowledge. Hence this also continued over the ages.

3. The sahaba made the taqleed of the Holy Prophet peace be upon him and the Taaba’een made their Taqleed etc. If we look at the eminent scholars who appeared later on, we will see this clearly. Imam Bukhari May Allah have mercy on him who was an expert in the science of hadith, was a muqallid of Imam Shafi May Allah have mercy on him. Ibn Maja May Allah have mercy on him was a Maliki, Imam Tahaawi May Allah have mercy on him was a Hanafi etc.

4. Those Aimmah which the world follows until the present were spread from the first century to the third century.
5. All of these source materials in Islam was placed in front of the Aimmah and it was through them that the laws of Islam were formulated.
6. For someone to believe that the Aimmah were not fully conversant with the Ahadith is pure stupidity. There is no basis in this claim. Every issue was thoroughly investigated before any ruling was made.
7. Some of the earlier Muslims were specialist in certain fields, but the Aimmah were specialist in all the fields of Islam and they were also surrounded by various other experts in their respective fields. If we had to look at the Ahadith collection of the various Imams, this would become clear and apparent.
8. Imam Abu Hanifah May Allah have mercy on him was one of those Imams who had met many eminent Ashaab and had acquired immense knowledge from them.
9. After he had completed this task, over eighty thousand issues lay in front of him and this was then collected in many volumes. At the same time, when he had completed this task, he called a special meeting of his students and the masses and gave them a stern warning. He advised them among other things:
 - a. I request you never to waste or disgrace this knowledge.
 - b. A person who is a judge, should make sure that he is pure internally and externally.
 - c. Those who have become judges should also make sure that the common person has access to him.
 - d. If a ruler displays transgression, you should refrain from his company.

If a person wishes to achieve success in this world and the next, then he has to make sure that he is within one of the four mazhabs. Anyone who leaves this blessed group actually separates himself and enters the fire of hell. We make dua that the Almighty always protect the four mazhabs who are another name for the Ahle Sunnah wa Jamaah.

A discussion between Shaikh Doctor Saeed Ramadan al-Buti and a ghair muqallid

Once a few individuals approached me who seemed to have been struck with the illness of ghair muqallid syndrome. After the discussion began, I asked them:

Question: What is the manner in which you people are able to extract a religious solution? Are you able to do this directly from the Quran and Sunnah or do you also use the words and opinions of the Mujtahids as well.

Answer: We first look at what has been presented by the Mujtahids and then when we find that its evidence is closer to the Quran and Sunnah, we choose that as a solution. We have reliance only on that and nothing else.

Question: Therefore, is it your opinion that every Muslim must first look at an issue from a Mujtahid and then compare it with the Quran and Sunnah and when he finds proper evidence in the Quran and hadith, he should accept that?

Answer: Yes

Question: In other words, you believe that every Muslim is someone who has the same qualities of knowledge like the eminent Imams. In fact, according to you, an ordinary Muslim is actually greater than one of the Imams because according to you, he can actually decide which is correct and closest to the Quran and Hadith.

Answer: In fact there are three types of individuals. They are 1. Muqallid. 2. Muttabah and 3. Mujtahid. A person who is able to look at the opinions of the four Imams and then choose which is closest to the truth of the Quran and hadith, that person is called a "muttabah". And this is only a middle position in between taqleed and Ijtihad.

Question: What therefore should the role of a Muqallid be?

Answer: He should accept only that issue on which all the Mujtahids are unanimous upon and he should only make taqleed on that issue.

Question: If this person continues to follow only one Imam, will there be any harm in this?

Answer: Yes, this is haraam.

Question: Haraam. How can this be Haraam, what is the proof that taqleed is haraam?

Answer: Because this person has made that compulsory upon himself which the Almighty has not made compulsory upon him

Question: Tell me, according to the rules of Qirah, which Qirah do you use to recite the Quran?

Answer: I read the Quran according to the Qirah of Imam Hafz.

Question: Do you continue to read the Qirah of Imam Hafz all the time or do you sometimes change so that it does not become one continuous practise?

Answer: No, I only read in the qirah of Imam Hafz.

Question: What is the reason that you continue to read the Quran only in the Qirah of Imam Hafz when the Almighty has not made it compulsory upon you to do so? In fact, we should be reading according to what has been established by the Quran and sunnah.

Answer: The reason that I only read according to the Qirah of Imam Hafz is because I am unaware of how to read according to the other Qirah. I have no knowledge about the other Qirah and it is not possible for me to read or understand the rules of these other Qirah.

Question: In the same, what happens to a person who only knows the Fiqh of the Shaafi mazhab and does not know the fiqh of the other Imams and neither is it possible for him to know because he may be living in a country where there is

only Shafi fiqh. What do you have to say about such a person. Is it compulsory upon this person to learn the opinions of all the other Imams as well? If your answer is yes, then in the same manner, it becomes compulsory upon you to learn the Qirah of all the other Imams of Qirah as well! At the same time, when in the Quran has it been made compulsory that you need to know the laws of all the other Imams as well? Or where in the Quran, is it mentioned that you are free to change the laws of one Imam for the next.? The Almighty has certainly not made this compulsory upon His creation. You say that the Almighty has not made a Fard on people to follow only one Imam or one set of Fiqh rules, where in the Quran is it stated that you need to continuously change this?

(This person then began to beat around the bush as is the normal behaviour with these people and continued singing the same song that the Almighty had not made it fard on anyone to follow an Imam and this is only created by man that we have made it fard upon people to follow one of the Imams).

I then asked him: Come let us accept for a moment that Taqleed is something which the Almighty has not made fard upon the Muslims and that for one second your opinion is correct. What happens to that person who chooses to follow one of the Imams but does not think it Fard but merely does so voluntary. What is your opinion about this person?

Answer: There is no harm in this Taqleed

Question: However, one of the books of your mazhab actually makes you into a liar. In fact, in one of these books, it is clearly mentioned that “following any Imam (even if one does not think it fard) still too it is haraam. In fact, at times it is also kufr”.

Answer: Where is this found?

(I then showed him this passage and after thinking a while, he replied)

“No it is still what I have said at the beginning. If a person thinks of this fard only then. However, it seems that there is something short or missing in this

passage. He continued to insist that the passage was correct but there seemed to be a little explanation missing. In other words, as far as he was concerned, the writer himself was sinless.

Question: There is no sense to this passage. In fact, every Muslim in the world is fully aware that it is not waajib to follow any Imam. Every Muslim considers it a meritorious act and every Muqallid chooses to follow any of the four Imams voluntarily. He obviously had no answer for this and remained silent. He then said that he heard people saying that it was waajib.

Question: Please give me the name of one person or one book in this regard. (Again he remained silent and merely said that for a person to jump from one mazhab to the next has been termed haraam by the Ahle Sunnah wa Jamaah).

I then challenged him to give me proof which he could not do. I then mentioned that yes, there were a few people during the time of the Uthmaniyyah dynasty and who were claiming to be Hambalis were guilty of this and had certainly exceeded their limits. These were merely a handful of people who had nothing to do with religion. I then asked:

Question: The terms which you people use. Muttabah and Muqallid. Where does this come from and is there a technical difference or a literal difference between these words?

Answer: There is only a literal difference in these words.

Question: I then asked him to please present a dictionary to prove his case on how these two words differed in meaning. However, he refused to do this. Finally, he had to give an answer and replied:

Answer: A muttabah is that person who is able to draw a line between what is baseless and what is a solid argument or evidence. In other words, he is able to

choose a solid evidence from that which is weak and obviously this is above the state of a muqallid.

Question: If this is the case as you are saying, then no doubt this is a very important status in the rank of a Mujtahid. Are you also in this rank?

Answer: Yes, I am also in this rank as well at times.

Question: I heard that in one of the gatherings, you are also one of those who gave the opinion that three talaqs in one sitting equals one single talaq. In fact your name heads the list of people who had mentioned this. Tell me, before you had issued your fatwah, did you look at all the evidence before you including the opinions and statements of all the jurists? After all, you yourself say that you on that level in which you can distinguish the weak evidence from the strong. I then presented the hadith shareef from Uwaimir in which three talaqs given at once has been declared as three separate talaqs and asked his opinion in this regard. I also asked him the opinion of the Aimmah in this regard and also the opinion of his guru ibn Taymiyah.

Answer: I am unaware of this hadith.

Question: If this is the case, how did you give a fatwah? All the Aimmah are unanimous that this would equal three talaqs and yet without looking at their evidence, you issued a fatwah? In fact, you have gone against your words when you said earlier that you first inspect all the evidence and then choose the one with the strongest evidence. You have completely gone against your own invented laws.

Answer: At that time, I had no books with me of the four mazhabs which I could look at and then issue a verdict.

Question: Yet, you jumped into giving a verdict without even thinking. And that too, you issued a fatwah which was totally opposed to all the mazhabs. At the same time, you were also totally unaware of all of these evidences?

Answer: What could I have done. A question was asked and I had to give an answer.

Question: Why did you not make it clear that you have no knowledge which has always been the behaviour of the pious and truthful Ulama? If you could not do this, at least you could have refused to give a fatwah. This would have certainly been the right thing to do. Yet, you displayed absolutely no responsibility whatsoever and issued an fatwah from your pocket without even thinking! If this is the state of someone like you who considers himself a mujtahid, I hate to imagine what someone higher than you would be doing.

Answer: I have seen the books Fiqhus Sunnah and Subulus Salaam.

Question: Both of these people who wrote these books are people who oppose the Aimmah. Even their fake evidence is something which is one sided. In other words, they only present their side of the story and not the Aimmah. Is it proper that someone like you, who calls himself a Muttabah only reads one side of the story and yet you keep claiming that you look at the evidence and testimony of everyone before coming to a decision.

(He then said that he had done nothing wrong and was only giving an opinion of what little he had studied! In other words, this is the state of these ignoramuses who call themselves the Mujtahids of this movement! We hate to imagine that if this the state of their Mujtahids, what must be the state of their ordinary followers. Allah protect from this). I then asked him:

Question: You have just admitted that you are on the state of a Muttabah and that others also should be like this. You have also admitted that the definition of a Muttabah is someone who looks at all the evidence before him from the various Aimmah and then makes a decision on that which is closest to the Quran and Hadith. Yet, in this issue, you had flagrantly gone against you own definition and responsibility. You are aware that the four mazhabs are unanimous that three

talaqs given at once would constitute three separate talaqs and there is Ijmah on this by the four mazhabs and you are also aware that there is solid evidence from the four Imams which backs their opinion.

Yet, without even looking at any of these evidences, you issued a verdict completely contrary to this? (He continued to explain that he did not have any books with him but was forced to give an answer and hence, he had given an answer or fatwah at the spur of the moment!). I then said to him, “you did not even have the decency to look at the evidence from the Aimmah and yet, you freely presented the opinion of ibn Taymiyah without any basis whatsoever. If this is not someone who is a muqallid, then we have no idea what is.

He then mentioned that he could only refer to those books which he had available and nothing else. Therefore, it was his duty to only look at these books. He also mentioned that the Almighty had not made it necessary upon him to look at other books.

Question: What happens to a Muslim who does not have any of these books and then merely based on his own personal opinion gives an answer opposite to the four mazhabs, is this possible?

Answer: Yes this is possible.

Question: If a new Muslim accepts Islam and then looks at the Quran and sees that the Almighty is everywhere and then decides to read salah in any direction, and he is also unaware of what the Aimmah has mentioned in this regard. What should this person do in this case. Must he use his common sense and face any direction and read salah?

Answer: Yes, he can use his common sense.

Question: You say that this person is allowed to face any direction and read his salah because according to you since his mind is at ease, he is allowed to do so. Imagine for one second that we take your method of reasoning and say that a person's mind becomes satisfied with drinking alcohol, adultery etc. because

according to you, if he searches for these proofs and cannot find them, then according to you, all this is halaal?

(He remained silent and did not answer). I then said to him, this is not imagination, this is what is actually happening in the world today. Today those people who are listening to your opinions, they are turning any direction in reading salah without any care in the world. This is what your type of thinking has created among ordinary people. Yet, this person can see that the entire Muslim world is facing the Qiblah, but, according to you people, he can face any direction! How can you say that this is danger which is merely been imagined? I then asked:

Question: Let me ask you this question. There is a person whose child is very sick and everyone has mentioned that if the child is given a certain injection, he will die. However, the father insists that he has seen a certain medical journal and in this journal it was mentioned that this injection would be extremely beneficial to this child. And the father also insists that he has checked all the evidence and testimony and is certain that this injection would help. He also negates the opinion of all the doctors and insist that this child be given this specific injection. In other words, although there is ijmah that this injection is going to prove fatal, yet, he wants this injection administered. Imagine for a second that this father gives the injection and the child dies. Who would be held responsible?

Answer: (remains silent) and then says that this is another issue altogether. (I then informed him that this is not another issue but the same issue like the new Muslim who completely turns his back on the Ijmah of the Aimmah and yet tries to prove his standpoint from the Quran that he can face anywhere in salah.

Answer: My dear brother! the Quran is Nur and does the Quran need another to prove its eminence?

(I replied that yes the Nur of the Quran is revealed through the reader and this is displayed on the intellect and reaction of the person reading. However, there is a difference between a jaahil reading the Quran and someone who is well learned in Islam.

Question: Let me ask you, this father who are just become guilty of murdering his own son and this new Muslim who is facing every direction is salah, should they listen to you or should they listen to those who are experts in Taqleed?

(Again he kept insisting that the key factor was that the person has become satisfied with his effort). I then kept on presenting this two examples and then asked:

Question: Tell me, this father who listened to you and killed his son. Is there any shariah blame on him or not?

Answer: (Displaying the immense jahaalat of these people, he replied: No, there will be no blame on this father.

I then realised that it was useless speaking to people who were so ignorant. I urge those people who have a little common sense to think awhile. Have you ever seen people who follow blindly to such a degree? These are certainly people who have absolutely no brain whatsoever. In their hatred against Muslims, they are actually giving fatwahs that people are actually allowed to kill their own children simply because they should not believe in Taqleed! A person is deliberately ignoring the Qiblah and they are giving him a fatwah that he is doing right. A person kills his own child and they say that there is no blame on him because both of them used their intellect and was satisfied by their analysis and refused to use Taqleed!

This is the danger of someone who is a ghair muqallid. They are creating monsters out there in the name of “false freedom”. Their actual intent is to make people “free” themselves from Taqleed and at the same time, become people who do not care about Islam. This was the actual purpose of the West which is being achieved through these ignoramus. They do not understand that when a person feels free from the constraints of shariah, he becomes illogical and is expected to do anything. In other words, their intent is to create a bad name for Islam and sadly, they are managing to do this in most places around the world.

The shariah basis of following Imams (Taqleed)

The root word for Taqleed is Qalaadah. The meaning of Qalaadah is a piece of cloth or scarf and this would signify placing a cloth or scarf around your neck. According to the shariah, the Ulama have mentioned that the meaning of taqleed is 'to accept the word of another without any evidence or proof'.

Allamah Samhudi in the Aqdul Fareed has mentioned that, "To accept the word of another in such a manner that certainty on this person is fully established."

If the truth of someone is established through proof and evidence, then this would not be considered as Taqleed. However, if one is absolutely certain about the trustfulness of another and also believes that since he is a truthful person, a religious person and someone who is an expert in his field and therefore, whatever he says is certainly the truth and he accepts the words of this person, this would be referred to as Taqleed.

Let us move away from religion and look at worldly issues and every day experiences we will find that we are also bound by Taqleed every moment of our lives. This would be applicable to anyone, whether he is rich or poor or whether he lives in a village or a city. Every category of person in this world is bound by Taqleed.

Look carefully at the life of a small child. As this little child grows older, he is within the Taqleed of his parents and those who take care of him. When a person becomes ill, he is completely reliant on the person who is taking care of him to make him well. When a person has a legal problem, he goes to a lawyer and through this lawyer, he is able to acquire his right. When a person is on a journey, he relies on the person who he meets on the road to show him the right direction to his destination.

A student who enters any institute, is reliant on his teacher to become a person of knowledge and someone who is well qualified. A person who intends to become a craftsman, he is reliant on his teacher to make him an expert in this field. These are issues which people see on a daily basis and no one is able to refute these things or even ignore them. A small child from a Bengali household sees his parents eat fish all the time, without seeking proof or testimony, he will also start to eat fish. He will also start to wear the same clothing which he sees others wear. He will start to speak the same language. The same if the child belonged to a Punjabi family. When he sees his parents eating, he will also start to eat meat and bread because this is something he will see everyday. He will also wear shalwar and kameez and wear a turban and also speak Punjabi.

If a child goes to a school and the teacher places his finger on one letter and tell him that this is Alif, the child will accept this without question. He places his finger on another letter and says that this is Ba, again the child would accept this without question. The child will never ever question his teacher on why this is Alif and this is Ba. In fact, if the child starts to question at this age, then he will never be able to complete his education. In like manner, a person goes to a lawyer and states his claim. The lawyer informs him that he should open a case based on a certain law. This person would do exactly as he is told, he will never question his attorney.

A person goes to a doctor and after examining the patient, he prescribes a certain medication. No patient will ever question his doctor on why he is being given such medication. As for that patient, who starts to argue and question, most often, he will never get better.

If you are travelling to a certain place and you reach a cross road. You are confused. Should you go right or left or keep straight. Suddenly you see someone from the area and you question him about which direction you should take. The moment he answers you, that is exactly the same direction you take. In other

words, you never question the person on which direction you should take. You are solely reliant on this person.

We can clearly see from all of these examples of life, that if we remove the scarf of taqleed from around our necks even for one moment in life, we will never be able to progress in life for one second. We are reliant on taqleed every moment of our lives. This is also applicable to everyone around us. As a sick person is reliant on a doctor, a criminal on an attorney, a lost person on a guide etc.

If we remove the scarf of taqleed, then certainly our lives would become lost and we would also become confused. Think about it, if a sick person starts to inspect the medication and begins to question his prescription, starts to delve into all the intricate issues pertaining to that medication, besides not becoming well, very soon, he will also die. In the same manner, if a criminal starts to question his attorney and begins to question the law, will he be able to acquire his rights?. As long as he is not a qualified attorney himself, none of his claims and arguments will be accepted.

This has become the norm in life. You only follow that person who is an expert in a certain field. This has continued for thousand of years that someone who is qualified and an expert, everyone follows that person. In brief, Taqleed has become a part of our life. To survive in this world without following Taqleed is an impossibility. This is one of the reasons that the Ijmah of this ummah is that Taqleed is fard. In fact such is the importance of this that even those who seem to object have had to accept this fact.

Therefore, anyone who has a little common sense or anyone who has a little religious knowledge will tell you that is absolutely necessary in life. If people ignore this important duty in life, it would be impossible for them to continue.

There are of course people who say that we have only been commanded to obey the Almighty and His beloved Prophet peace be upon him. However, look at the

many laws which are to be found in this. How is it possible for us to obey the Quran and the Hadith if we are unaware of the laws within them. Do we know which laws are applicable and which are not. Which is common and which is specific. Which is apparent, which is hidden. As long as we are unaware of all of these laws, we will never be able to truly follow the Quran and Ahadith. Let us look at a few examples in this regard.

In surah Baqarah, verse 234, the Quran states:

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا يَتَرَبَّصْنَ بِأَنْفُسِهِنَّ أَرْبَعَةَ أَشْهُرٍ وَعَشْرًا ۖ فَإِذَا بَلَغْنَ أَجَلَهُنَّ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ بِالْمَعْرُوفِ ۗ وَاللَّهُ بِمَا تَعْمَلُونَ خَبِيرٌ ﴿٢٣٤﴾

And those of you who die and leave behind wives, they should keep themselves apart for a period of four months and ten days, then when they complete their period, then O guardians! There is no blame on you in anything, which the women do with regard to themselves according to law. And Allah is aware what you do.

In the same surah, verse 240, it is mentioned:

وَالَّذِينَ يُتَوَفَّوْنَ مِنْكُمْ وَيَذَرُونَ أَزْوَاجًا ۖ وَصِيَّةً لِّأَزْوَاجِهِمْ مَّتَعًا إِلَى الْحَوْلِ غَيْرِ إِخْرَاجٍ ۚ فَإِنْ خَرَجْنَ فَلَا جُنَاحَ عَلَيْكُمْ فِيمَا فَعَلْنَ فِي أَنْفُسِهِنَّ مِنْ مَّعْرُوفٍ ۗ وَاللَّهُ عَزِيزٌ حَكِيمٌ ﴿٢٤٠﴾

And those of you who die and leave behind them wives, they should bequeath for their women to provide them maintenance for a year without turning them out; then if they themselves leave, you are not accountable regarding any proper thing which they did in their matters and Allah is Dominant, Wise.

The same Surah, yet two different laws. A person would be confused on what he should follow. The first verse tells him that the iddat of a widow is four months and ten days and the second verse tells him that the iddat is one year. We ask any qualified person in the Arabic knowledge, will he be able to inform us on which law we should practise? There is no way that this so called expert will be able to help and assist. Let us go forward. As we have said, from the above mentioned, we see that the iddat of a widow is either four months and ten days or one year.

However, let us look in Surah Talaq verse 4:

وَالَّذِي يَيْسُنَ مِنَ الْمَحِيضِ مِنْ نِسَائِكُمْ إِنْ ارْتَبْتُمْ فَعِدَّتُهُنَّ ثَلَاثَةُ أَشْهُرٍ لَا

And the period of the pregnant women is when they give birth to children. Again, we are confused, if a person dies, and his wife is pregnant, what is the exact iddat period? Will it be four months ten days, one year or after she gives birth.

Again, in Surah Baqarah, verse 180, the Quran declares:

كُتِبَ عَلَيْكُمْ إِذَا حَضَرَ أَحَدَكُمُ الْمَوْتُ إِنْ تَرَكَ خَيْرًا^ط الْوَصِيَّةُ^ط لِلْوَالِدَيْنِ وَالْأَقْرَبِينَ بِالْمَعْرُوفِ^ع حَقًّا عَلَى الْمُتَّقِينَ^ط

Made obligatory on you that when death approaches any of you, if he leaves some property, then he should make a will for his parents and near relatives according to usage. This is an obligation on those who fear Allah.

The word “near relatives” in this verse is certainly very common. It would therefore include his brothers, sisters, aunt etc. In other words, there is no specific share mentioned in any of this. Does it mean that a person should give how much he wants? If this is the case, then there is a chance that many of his near relatives

will not get a share. However, when we look at Sura Nisaa, we will find that there are shares mentioned for each one.

This proves that even if a person is an expert in the Arabic language, it does not mean that he will be able to make out how much of share goes to which person. There are merely examples which we have presented. If we have to list all of them, they would be able cover volumes in this regard. In the same way, there are many examples to be found in the Ahadith as well. If we therefore remove Taqleed from our lives, how will we be able to understand all of these laws of Islam? If every Muslim was given this responsibility, it would be impossible for him to survive in this world.

The first thing is that a person would never be able to fully acquire all the faculties of knowledge which a Mujtahid has acquired and which are necessary for a Mujtahid.

As the same time, even if one becomes an expert, the gift which is given by the Almighty to be able to find answers in religion and which has been described as fiqh, can anyone say that he will actually have this gift which comes from the Almighty. In fact, even experts in a certain field have also made mistakes when it came to giving fatwah. An expert like Imam Bukhari May Allah have mercy on him once gave the decision that if a boy and girl drinks the same milk from a certain goat while they are feeding as infants, then Radaa'at will be established. In other words, they will not be able to marry. You can see this by reading the Bukhari shareef. In one place, it is mentioned that water would not be considered as unclean as long as the colour, the taste and the appearance has not changed.

On another occasion, it is mentioned that if a dog places its mouth in a container of water, then the container would become unclean and one has to wash it seven times. For one minute, think about this question. There is a container in which there is water. A dog has also placed its mouth inside this container, however, the water has not changed appearance, colour or taste, then it would mean that the water is clean but the container is unclean! This would certainly confuse a person. There is no doubt that the great eminence of Imam Bukhari May Allah

have mercy on him cannot be disputed. However, fiqh is another field all together which is not given to everyone. This is the reason that another eminent Muhaddith has stated that, “A hadith is certainly dangerous except for a jurist.” This is the reason that one, Hadrat Imam A’mash May Allah have mercy on him mentioned to the young Imam Abu Hanifah May Allah have mercy on him that, “we are the people who sell the medication and you people are the actual physicians.”

Even if a person is able all of these faculties, what guarantee is there that he will also be religiously minded and also be someone who has sincerity in when it comes to serving the Almighty.

How many people have we seen in life who claim to be the Bun Hanifah of their era and yet, they have fed us nothing but poison and evil. The amount of so called experts in this world cannot even be counted.

Here are a few examples:

1. All the Deobandis and the ghair muqallids called Ismail Dehlwi a kaafir and a misled person when they saw a statement in the book “Idaahul Haq”. However, when they realised that this was a statement uttered by their own leader, all of them went silent.
2. Recently, a mufti of Deoband “molwi” Mehdi gave a fatwah of kufr on a statement of janab qari Tayyib, but when he came to know that this was uttered by one his own, he immediately withdrew this fatwah.
3. It is mentioned that Rashid Ganghohi was very fond of the testicles of a goat and also considered it very beneficial. This is the reason that he gave a fatwah that it was permissible to eat. This also appeared in the first edition of his fatwah. However, when the entire world began to spit on his face, it was secretly removed from all future editions.

Therefore, no ordinary person in this ummah can survive without taqleed. Hence, if taqleed is considered as haraam and bid’ah, only a very people will actually practise on Islam or have the capability of practising on Islam. At the same time, it would also place a massive burden on people and the Quran is very specific

that the Almighty does not place a burden on someone more than that person can carry.

In Surah Baqarah, verse 286, the Quran declares:

لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا ط

Allah places not burden on any soul but to the extent of his strength

Hence, this ummah has been divided into two groups. The first is a Mujtahid and the second is a non Mujtahid. A non mujtahid has been instructed to follow a person who is a Mujtahid and turn to him and obey him.

In surah Ambiyah, verse 7, the Quran declares:

فَسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ ﴿٧﴾

O people! Ask the men of knowledge if you have no knowledge.

This verse is addressing those who do not have knowledge. In this verse also, the people who are referred to as the Ahle Ilm are actually the Ahle Zikr. Hence, we are commanded to seek the advice of the learned or the people who have knowledge. At the same time, there are numerous testimony that the real Ahle Ilm are the Mujtahids. When this is the case, then it means that it becomes waajib upon a person to follow a mujtahid. And this is what is called Taqleed.

At the same time, if we follow anyone after only researching his advice, this would not be considered as following someone in talqeed. Therefore, following a Mutahid is encompassed in the act of taqleed. Therefore, it becomes waajib upon every Muslim whether he is learned or not to follow an Imam from among the four Imams. Yet there are a few people who reject this and consider this as worshipping priests. In this regard, they have no solid proof to back their argument.

Allamah Syed Ahmed Tahaawi May Allah have mercy on him in the Haashiyah of the Durre Mukhtaar writes, “O believers! it is absolutely necessary upon you

to follow that group of salvation which is the Ahle Sunnah wa Jamaah. The reason is that the Divine Help and Support is on this group and also His Protection if one abides by this group. His Divine Wrath and Anger is upon those who oppose this group. This group has also reached Ijmah that this only constitutes the four mazhabs which are the Hanafi, the Shafi, the Maliki and the Hambali. As for that person who removes himself from any of these groups, he is a bida'ti and a person of hell.”

The person who is considered an eminent leader among the opposition, namely Shah Waliullah Muhaddith Dehlwi May Allah have mercy on him explains in the book Aqdul Jayyid that, “There is certainly extreme wisdom in accepting the four mazhabs. And to reject any of them is a cause of great harm. We will explain this in a few ways. Firstly, this has become an Ijmah of this ummah that to knowledge of Islam is attained from the pious predecessors of Islam. The Taaba’eeb acquired this from the blessed Ashaab and the Taba Taaba’een from the Taaba’een. In this manner, each generation after, acquired this religion knowledge from those before them and also relied on this knowledge. There is also a logic to this as well.

The reason is that shariah cannot be reached if there is no passing and conveying of this knowledge. And at the same time, this is not possible if the generation after does not acquire it from the generation before it. Therefore, we have to understand this important belief and not exceed the limits of religion. We see that no trade can be acquired if one does not acquire this from an expert. Therefore, we can also establish that besides the four mazhabs, no other group was imbued with this truth”.

From the above explanation, certain important points become clear.

1. The successful group is only the Ahle Sunnah wa Jamaah. Any other group whatever name they might keep for themselves are certainly people of hell and are certainly misguided.
2. There is absolute Ijmah that it is permissible to follow a person in the form of an Imam.

3. There is extreme wisdom in this and there is great fitnah if one turns away from this.
4. Shariah is something which is recognized through what has been recorded and passed on and this is reliant on what the pious predecessors of Islam have conveyed to us.
5. Only the statements of the four Imams is something which is genuinely proven and verified and only their mazhab is considered as truthful.
6. The reports of other Imams even though they maybe the truth, they are not fully established and have not been passed on in the manner as the reports of the four Imams.
7. This proves that the four mazhabs are based on truth and following any one of them means that one is following the truth. This is reason enough to follow one of them. It is also waajib to follow one of these Imams. At the same time, we must also bear in mind that the majority of Muslims in the world constitute the Ahle Sunnah wa Jamaah which is made up of the four mazhabs and we also know that the Holy Prophet peace be upon him has made it clear that this ummah would never be united on falsehood. Hence, this again gives a Prophetic testimony to the truthfulness of the Ahle Sunnah wa Jamaah.

In Surah Nisa, verse 115, the Quran declares:

وَمَنْ يُشَاقِقِ الرَّسُولَ مِنْ بَعْدِ مَا تَبَيَّنَ لَهُ الْهُدَىٰ وَيَتَّبِعْ غَيْرَ سَبِيلِ
الْمُؤْمِنِينَ نُوَلِّهِ مَا تَوَلَّىٰ وَنُصْلِهِ جَهَنَّمَ ۖ وَسَاءَتْ مَصِيرًا ۝١١٥

And whoso opposes the Messenger after the right way has become clear and follows a way other than the way of Muslims, We shall leave him on his own conditions and shall cause him to enter Hell; and what is an evil place of returning.

Again, it is waajib upon us to follow one of the four mazhabs. In other words, we have to be muqallids of one of the four mazhabs. It is not permissible for us to follow any other Imam in this regard. At the same time, the teachings of the other Imam besides these four Imam have not been collated and preserved in the manner as the four Imams. As for the question that if we accept one Imam in certain issues and another Imam in certain issues, Is this permissible?

This is an action which is considered as unbecoming. There is Ijmah that a person should follow the Imam whom he is following. To follow one Imam in this issue another Imam in another issue, this is considered non permissible and a great sin.

In fact, this would be considered as following your nafs and not the actual Imam. After all, if you choose one Imam over the other, you are actually satisfying your nafs. If you look at it carefully, when a certain issue is liked by you, you follow Imam Azam May Allah have mercy on him and when see an issue from the Shafi mazhab, you begin to jump for that issue. This is not actually following an Imam it is following your nafs and also considered as a great show of disrespect to all the Imams. If you say this is because you have proof, then this would no longer remain Taqleed! The reason is because taqleed means to follow an Imam without question. At the same time, even the Quran condemns the action of choosing something at this place and then choosing another command at another place.

In surah An'am, verse 153, the Quran declares:

وَأَنَّ هَذَا صِرَاطٌ مُسْتَقِيمٌ فَاتَّبِعُوهُ ۚ وَلَا تَتَّبِعُوا السُّبُلَ فَتَفَرَّقَ
بِكُمْ عَنْ سَبِيلِهِ ۚ ذَٰلِكُمْ وَصَّكُم بِهِ لَعَلَّكُمْ تَتَّقُونَ ﴿١٥٣﴾

And that, this is My' straight path, then follow it and follow not other paths for they will deviate you from His path. This He has ordered you that perchance you may be self-restrained.

Therefore, you cannot chop and change your mazhab as and when it suits you. In other words, it is like changing road all the time in your journey. We know that

a person who does this, never reaches his destination. Therefore, in the present day, those who are Hanafi should remain so. Those who are Shafi should remain so etc. This ummah is not allowed to follow any other Mujtahid except these four Imams. In fact, it is also considered as haraam to follow one Imam in this regard and follow another Imam in another issue. This is actually making a mockery of religion.

Again, as we have said, if a person continues to do this, he is only following his nafs and nothing else.

There is also another idiot who has made the suggestion that how can we say that the Hanafi Ulama do not know the evidence of all of these issues in the mazhab. Many of them are fully aware of all of these evidence, hence, this cannot be called Taqleed. In fact, these Hanafi Ulama would therefore become Mujtahids. Our answer to this idiot is as follows.

Again, we repeat that when a person accepts the word of another without first looking at the evidence, this is taqleed. However, after accepting the word of an Imam and then looking at the various evidences in this regard what harm would this cause. When a person accepts the prescription of a doctor and after this, he begins to read the labels, the various papers which appear inside these packets, he would still be considered as someone who accepted the prescription in the first place without any question. In other words, he would be considered as having performed taqleed. In like manner, when the Hanafi Ulama start to look at the evidence of various Imams, it must be remembered that they have already accept the word and opinion of the Imams and are merely reading what has been mentioned about this issue and nothing else. After all, when a person starts to read the books of fiqh such as Wiquayah and Hidaayah, he will also come to know about the various evidence about a certain issue, yet, he will merely be educating himself of a certain issue and nothing else. Therefore, you cannot accuse him of not being a muqallid.

The knowledge of Imam Abu Hanifah - May Allah have mercy on him – and his service in the field of Ijtihad

There is no doubt that we owe a great debt to this great Imam that we present a brief yet concise life story of this eminent Imam so that it removes plenty of misconception that people may have about him. There is also no doubt that in the present climate where the poison of ghair muqallids are spreading and where serious effort is being made to belittle the four Imams, that we educate the Ahle Sunnah wa Jamaah about them. There is also a concerted effort being made to insult this great Imam and give people the impression that he lacked this branch of knowledge and that branch of knowledge.

They also give the false impression that the Hanafi mazhab is merely based on Qiyas and personal opinion and nothing else and is totally against the Sunnah. These misled people have studied just a few Ahadith from the Sahih Bukhari and Sahih Muslim and suddenly begin to call themselves the Ahle Hadith. At the same time, they are also say that it is shirk and misguidance to follow Imam Abu Hanifah May Allah have mercy on him. These are the same people who blindly follow idiots like ibn Taymiyah, ibn Qayyim, ibn Abdul Wahab, Mia Nazeer Husain, Nawab Siddique Hasan, Naasrudeen Albani and Abdullah bin Baaz etc. Yet, in spite of this open misguidance displayed by them, they consider the people who follow the rightly guided Imams as been misled and being blind followers of ordinary scholars.

They fail to realise that the period of the great Imam from the time of the Holy Prophet peace be upon him is less than a hundred years. This is that period in which some of the greatest service to Islam was performed by its followers barring the blessed period of the Ashaab. This is that period which was also foretold by the Holy Prophet peace be upon him. This is also that period in which Fiqh as we know it, Usul Fiqh and the various subsidiary issues of Fiqh were collated and answered. Yet, these ghair muqallids are following people who were born years later and still they consider these ignoramuses as very learned

individuals. In this article, the subject would be the status of the great Imam and his service to Islam in the field of Ijtihad.

We make the dua which a famous person once made and which is, “We are not pious but we love and revere the pious with the hope that the Almighty through the barakah of these people also make us pious.”

His name and family

His name is Nu'man and title is Abu Hanifah and the name of his father is Thaabit. It is mentioned that his family originated from Kabul, Afghanistan and his grandfather's name was either Zuta or Zouti. He was captured in a battle with the Muslims and brought to Kufah. He then accepted Islam and became a successful business person in this part of the world. He also met Hadrat Sayyiduna Ali May Allah have mercy on him and there was a strong connection between them. In fact, this relationship was so strong that at times, he used to also send gifts to the leader of the Muslims. (Manaaqib Al Imam Al Azam. Al Karadari. 1/25,26).

His son Thaabit also did business in Kufah and we also know through the great Imam that his father owned a few shops in this town. (Manaaqib Imam Azam. Al Muwaffiq bin Ahmed. 1/162).

His birth and demise

There are various opinions on his exact year of birth. Some say, 61 ah, 70 ah, 77 a and 80 ah. Khateeb Baghdad in the Taarikh Baghdad from Mazaahim bin Daud quotes the year 61 ah. And the report from Abu Naeem is 80 ah. (Taarikh Baghdad). However, it seems that the correct year should be 77 ah. The reason for this is a report which is mentioned by his famous student Imam Abu Yusuf May Allah have mercy on him who narrates that the great Imam one day mentioned to him, “I went for Hajj with my father in 93 ah, At that time, I was sixteen years old. I then saw an old person around whom there was a large crowd. I then asked my father the identity of this person and he replied that this was the blessed companion of the Holy Prophet peace be upon him namely Hadrat Sayyiduna Abdullah bin Haarith bin Juz'a May Allah have mercy on him and I then asked him what this person had with him. My father mentioned that he had in his possession the Ahadith of the Holy Prophet peace be upon him which he had heard from the Holy Prophet peace be upon him. I then asked him to take

me to him so that I can also hear these Ahadith. After this, my father approached the blessed companion walking through the other people that were around him until we reached him. I then heard him saying, 'That person who acquires understanding in religion, the Almighty will protect him and his concerns and will give him sustenance through those sources which he has not even thought about.' There is also difference of opinion in which month he passed away. Ibn Kalakan has mentioned the month of Rajab or the month of Sha'baan. His year of passing is also recorded as 150 ah. and 153 ah. However, the former is more accepted. His age at the time of his passing was seventy three. This clearly proves that he was born in 77 ah and passed away in the 150 ah.

His acquisition of knowledge:

He mentions, "At first, I studied various branches of knowledge such as Qirah, hadith, Arabic grammar, adab and kalaam. These were those faculties which were famous in that period." (Manaaqib Imam Azam. Al Muwaafiq bin Ahmed Makki. 57,58). After this, he attained a very high status in Kalaam and he attained such a high level in this field that people started to take notice of him. Al Muwaffiq narrates from Yahya bin Shaybaan that the great Imam once mentioned, "I was a person who had attained a level in the field of Ilmul Kalaam and was also an expert in the art of debate. There was a time when I had spent a long time in debate and discussion and because these people were mostly in Basrah, I went on many occasions to this city. I sometimes spent nearly six months in this city and used to debate the Khaariji and various other misled groups and since I was so learned in this field, I was under the impression that this was the foundation of religion.

However, one day, I began to think that these things which were discussed and debated were not hidden from the Holy Prophet peace be upon him and his blessed companions and even among the Taaba'een and yet, in spite of them knowing these things, they displayed no attraction towards it. I also realized that the Holy Prophet peace be upon him and his blessed companions and the generation after them spent most of their time speaking about matters of religion. They also had gatherings which specifically only dealt with religious issues and they left the world only speaking about this and this was followed by the Taaba'een. And when I realised this, I left the field of Munaazirah (or debate) and also desisted from delving further into the field of Ilmul Kalaam and choose

the path of the pious people in Islam and also began to sit among the people of Ma'rifah".

This also proves that even in this period, he had immense knowledge of Islam or else he would not have entered this field of Kalaam and debate. After all, the main foundation of these debates were philosophy and logic and religion. If a person is not learned in these fields, how would he be able to debate. Later in life when we see the manner in which he was able to delve into the very fine details of religion and be able to acquire solutions, give us the impression that these years as a great debater certainly helped him further.

After leaving this field, he began to only concentrate on Islamic law and this was reported by his eminent student, Imam Zufur May Allah have mercy on him. He narrates that the great Imam mentioned, "My status grew to such a degree in the field of Ilmul Kalaam that people began to actually point fingers at me, (in other words, people began to notice him wherever he walked). My classes in this field was also next to Imam Hamaad May Allah have mercy on him. One day a lady approached me and asked what did I have to say about that person who has a female slave and this person wishes to give his wife talaq in the proper manner. How many talaqs should he give his wife. I then informed this lady that she should approach Imam Hamaad May Allah have mercy on him and ask him this question and whatever answer he gave her, she should also inform me about this answer.

She then approached me and then revealed to me that he had to mentioned her that, 'When the wife becomes clean from haiz, the husband should not sleep with his wife and he should then give her one talaq and stay away from his wife. When the wife experiences another period of haiz and then becomes clean from this, still the husband should stay away from her without sleeping with her and then give the second talaq. When she experiences the third period of haiz and becomes clean from this, then she would have removed herself from this marriage. The choice is upon you to choose whichever option you wish. When I heard this reply, I then picked up my shoes and decided to sit in the blessed classes of Imam Hammad May Allah have mercy on him. I then started to learn whatever he taught and it was his habit that the next morning, he used to revise the lessons which he had taught the previous day. Many of the students were unable to remember some of the finer points of that lesson but through the Divine Help of

the Almighty azza wa jall, I did not make a mistake in any of these lessons. Imam Hammad May Allah have mercy on him then allowed me to sit near him.” (Taarikh Al Baghdadi. 13/333).

Although while he was acquiring the knowledge of Fiqh, he never involved himself in debate, yet, there were a few occasions when he was called upon to debate with certain Shias and Khaarijis. One of these debates occurred between him and a khaariji and he was able to prove that a person who becomes guilty of drinking alcohol and adultery does not leave the folds of Islam. This had such an impact on the person that he later made taubah and accepted the belief of the Ahle Sunnah wa Jamaah. There is hardly any words which can be used to describe his immense intellectual qualities and brilliance. One of the greatest praises which can be attributed to him is that his presence and appearance was also foretold by the Holy Prophet peace be upon him.

In the Hashiyah of the Al Muwaahib the student of Imam Jalaaludeen Suyutwi Shafi May Allah have mercy on him, namely Allamah Shaami May Allah have mercy on him has stated that, “That person on which my Shaikh was certain about (who is indicated in this hadith shareef) was none other than Abu Hanifah May Allah have mercy on him. There is also no place for doubt in this as well because from the children of Persia, no one had attained his status”.

Allamah ibn Hajr Haythimi Shafi May Allah have mercy on him in the Al Khayraat Al Hasan also states that, “This is a clear miracle of the Holy Prophet peace be upon him that he was able to inform us about issues in the future.”

In fact his blessed being possessed all the knowledge which was required by a Mujtahid to such a degree that he was considered as one of the foremost of Mujtahid Mutlaq. If we want to understand the immense knowledge of Imam Abu Hanifah May Allah have mercy on him we have to inspect the qualities which he needs to possess according to Imam Mohammed Ghazzali Shafi May Allah have mercy on him. He writes, “One of the conditions of a Mujtahid is that his knowledge needs to encompass all the branches of Islamic knowledge. And he needs to also delve deeply into this so that he can extract a certain law. At the same time, when he is busy doing this, he needs to be aware of those issues which are first and those which come after. Another condition is that he needs to be

extremely pious and noble and someone who refrains from committing sins which can make him lose his respect and which would go against his pious state.

In Shariah knowledge, he needs to be aware of the knowledge of the Quran, the sunnah of the Holy Prophet peace be upon him, the Ijmah and have the intellectual capacity to be able to extract laws. By knowledge of the Quran, it does not mean that he should know every verse of the Quran. He should know those verses which refer to Islamic law and these are about five hundred verses and it is also not necessary that he memorizes these verses but he should know where in the Quran these verses appear so that in times of need, he can be able to find them. In like manner when we say that he needs to be an Alim of hadith, it does not mean that he needs to have memorized all the ahadith but that he should know those ahadith in which there are religious commands. In other words, in Sunan Abu Daud or Sunan Bahiqi which are those ahadith which possess commands in them so that in times of need, he would be able to find them.

When it comes to Ijmah, it means that the Mujtahid needs to know on which issues there was already an Ijmah so that his decision does not go against an Ijmah. He also needs to know in which time a certain issue arose and whether there was Ijmah on this issue before or not. He needs to also be aware of all knowledge pertaining to intellectual branches and also be aware of those issues which appear in both the Quran and Ahadith. He must be a complete master in the Arabic language and be fully aware of the laws of grammar in this regard. It does not mean that he needs to be like Zamakshari or Asma'i or Khaleel or Sebewiyah but have enough language to be able to decipher the words and letters of the Quran and hadith according to the laws of grammar so that this can be fully understood. He needs to be able to prove through his intellectual capabilities that the creation is mortal, the Almighty does exist, that the Almighty is Waajibul Wujud and is One.

He needs to prove the necessity of Prophet hood, the various dimensions and special qualities of the Quran. The greatness of Prophet hood, that he is the final Prophet and this through recorded evidence and intellectual qualities etc.” (Abridged). The list of qualities which a Mujtahid needs to possess goes on and on. Yet, such is the stupidity of the ghair muqallid who does not not even know the basics of salah, yet, every Tom, Dick and Harry among these people are Mujtahids. If some of these branches of knowledge had to be put to them we are

sure that some of them would not even be aware of what the meaning of some of these branches are.

His status among the eminent.

There is no doubt that eminent scholars and saints have heaped many praises on him and have praised his immense status and stature in the field of Fiqh and Ijtihad.

Imam Mohammed bin Idris Shafi May Allah have mercy on him states, “In Fiqh, people are in need of Abu Hanifah May Allah have mercy on him.” He has also stated that, “He who wishes to acquire the knowledge of Fiqh, then he should hold on to shawl of Imam Abu Hanifah May Allah have mercy on him and his students.” It is also mentioned that when he arrived in Baghdad shareef, he visited the blessed grave of Imam Abu Hanifah May Allah have mercy on him and performed two rakah of salah. He also did not raise his hands in Raf'a Yadain. In one report, it is mentioned that he performed the Fajr salah in this place and did not read the Dua-e-Qunoot. Someone asked him the reason for this, (pointing at the grave of Imam Abu Hanifah May Allah have mercy on him) he replied, “Due to respect for that Imam; I do not wish that in his presence, I perform an act against his mazhab.”

Once Imam Shafi May Allah have mercy on him asked Imam Malik May Allah have mercy on him about his opinion of Imam Abu Hanifah May Allah have mercy on him and he replied, “I saw such an amazing person in him that if he wanted to prove that this pillar was gold, he would be prove it with evidence.”

Hadrat Fudail bin Ayyaz May Allah have mercy on him stated, “Sufficient to describe the greatness of Imam Abu Hanifah May Allah have mercy on him is that he was a certainly a famous jurist and a person of immense piety and fear (for Allah).”

Another has said that people were unaware of Fiqh until they were awoken by Imam Abu Hanifah May Allah have mercy on him.

Hadrat Abdullah ibn Mubaarak May Allah have mercy on him has stated that, “no one is more entitled than Imam Abu Hanifah May Allah have mercy on him that he should be followed. He was extremely pious, noble, a person who had

immense fear for Allah and an eminent jurist. He revealed knowledge in such a manner which others could not.”

Hadrat Imam Ahmed bin Hambal May Allah have mercy on him said about him, “He was someone who was extremely pious and had immense knowledge and had absolutely no interest in the world. He was also someone who had such inclination towards the hereafter that no one else could achieve. During the time of Mansur, he was forced to accept the position of Qadi but refused. He was severely punished but refused to accept this position until his last moment in this world”.

One of the teachers of Imam Bukhari May Allah have mercy on him namely Makki bin Ebrahim May Allah have mercy on him says, “He was one of the greatest scholars of his era.” Hadrat Mu’ammarr May Allah have mercy on him says, “I have never seen someone who spoke in such classical Arabic. He was a master in Qiyas and the sharah of the Hadith.”

Another eminent scholar, Hadrat Abdullah ibn Mubaarak May Allah have mercy on him states, “If the Almighty had not helped me through Imam Sufyan Thouri and Imam Abu Hanifah May Allah have mercy on them then I would have remained among the common people.” He has also said that if he had not met the great Imam, he would have carried on his normal worldly trade. He has also mentioned that if Imam Abu Hanifah May Allah have mercy on him did not appear, he would have been among the people of Bid’ah.

When people used to ask him any question, he used to reply, “Hadrat Sayyiduna Abdullah bin Mas’ud May Allah have mercy on him replied in this manner and Imam Abu Hanifah May Allah have mercy on him replied in this manner.” When people asked him surprisingly, “You are mentioning Abu Hanifah with ibn Mas’ud May Allah have mercy on them?” He used to reply, “If you had seen Abu Hanifah, you would have seen a very great person.”

Hadrat Sufyan Thouri May Allah have mercy on him once remarked, “In front of Abu Hanifah May Allah have mercy on him we were like little birds in front of a hawk. No doubt, he was the leader of the Ulama.”

Hadrat Jafer bin Rabee stated, “I spent five years in the blessed company of Abu Hanifah May Allah have mercy on him and I have never seen anyone who

remained so silent for such a long time. If any question was asked of him, (in answering this question), it was like an ocean has just been released.”

Imam Abu Hanifah and the Quran:

He displayed immense attachment to the Quran. Qadi Abu Abdullah Sameeri narrates from Khaarijah bin Mas’ab that Imam Abu Hanifah May Allah have mercy on him used to complete the entire Quran in one single rakah. He also explains that there were Imams who completed the entire Quran in front of the Kaba. They were Hadrat Sayyiduna Uthman bin Affan, Hadrat Sayyiduna Tameem Daari, Hadrat Sayyiduna Saeed bin Zubair and Hadrat Sayyiduna Abu Hanifah May Allah have mercy on them.”

Imam Abu Hanifah and Hadith.

As we have explained the conditions required for a Mujtahid and also explained that one of the conditions is that he has to have a wide and expansive knowledge of the Hadith. However, even in this field, he was an expert. Bear in mind that during his time, hadith as a faculty was in its infant state and many people were delivering discourses in hadith. In fact, such was Kufah as the centre of learning, that even Imam Bukhari May Allah have mercy on him admits he had lost count of how many times he had gone to Kufah. Among the Mashaa’ikh in hadith was also Imam Shubah bin Yusuf whom Imam Sufyan Thouri May Allah have mercy on him refers to as the Ameerul Mo’mineen in Hadith.

Hadrat Imam Shafi May Allah have mercy on him also admits that if Imam Shubah May Allah have mercy on him was not present, then hadith would not have been so widespread in Iraq. When news of his passing reached Imam Sufyan Thouri May Allah have mercy on him he remarked, “Today hadith has died.” Yet, even this eminent Imam of hadith once said about his student, “As I am a certain that the sun is bright, in like manner, I am absolutely certain that Abu Hanifah and knowledge are very close companions.” He was also given permission by this teacher of his to narrate hadith.

Besides meeting and learning hadith from eminent Muhadditheen in Kufah and Barsah, he was also honoured to meet one of the most learned authorities in hadith during the Taaba’een period, namely Hadrat Sayyiduna Ataa bin Rabaah May Allah have mercy on him. This eminent scholar was based in Mecca shareef. He had met over two hundred Ashaab notably among them, Hadrat Sayyiduna

Abdullah ibn Abbas, Hadrat Sayyiduna ibn Umar, Hadrat Sayyiduna Usaamah, Hadrat Sayyiduna Jabir and Hadrat Sayyiduna Abu Hurayrah May Allah have mercy on them. In fact, although he was not a blessed companion yet, such was his eminence, that the blessed companion Hadrat Sayyiduna ibn Umar May Allah have mercy on him used to say to people, “When a person like Ataa is present, why do people come to me?” During the time of Hajj, the government had also made it clear that besides Hadrat Sayyiduna Ataa May Allah have mercy on him, no one else should issue a fatwah.

When the young Imam Abu Hanifah May Allah have mercy on him arrived in Mecca shareef, very soon, he became the favourite of this eminent scholar of hadith and whenever he arrived in Mecca shareef, he used to always come to the class of this eminent teacher. In Mecca shareef, he also learned hadith from Hadrat Sayyiduna Akramah May Allah have mercy on him who was the student of among others, Hadrat Sayyiduna Ali and Hadrat Sayyiduna ibn Umar May Allah have mercy on them.

When Imam Abu Hanifah May Allah have mercy on him arrived in Madina shareef, of the seven famous jurists in this blessed city, two of them were still alive. They were Hadrat Sulayman May Allah have mercy on him who was the one time slave of Ummul Mo'mineen, Hadrat Sayyidah Maymunah May Allah have mercy on her. The other was Hadrat Saalim May Allah have mercy on him who was the grandson of Hadrat Umar May Allah have mercy on him and the son of Hadrat Sayyiduna Abdullah ibn Umar May Allah have mercy on him. The great Imam also learned hadith from these eminent scholars and from other scholars of hadith in this blessed city. (Nuzhatul Qari. 1/120,122).

Allamah ibn Hajr Haythimi Shafi May Allah have mercy on him mentions that, “Hadrat Imam Azam May Allah have mercy on him learned hadith from nearly four thousand Mashaa'ikh who were also among the Aimmah among the Taaba'een. This is one of the reasons that people like Imam Zahbi May Allah have mercy on him has included him among the Muhaditheen.” He writes further, “Those who claim that he knew very little hadith are people who have displayed no knowledge in this regard or mentioned these words out of jealousy. How can this be possible for someone who was able to extract thousands of fiqh issues and is the first person who was able to extract these issues from evidence in front of him. This has also been mentioned by his students in their books. The

actual truth is that he was extremely involved in extracting laws pertaining to numerous issues and this is the reason that not many of his narrations are to be found”.

This is the same with Hadrat Sayyiduna Abu Bakr and Hadrat Umar May Allah have mercy on them who have very few narrations attributed to them. Both were extremely busy in the affairs of the state and the well being of its citizens. At the same time, there were many narrations which were conveyed by Ashaab who were lower than them in rank and knowledge. This is the same with Hadrat Imam Malik and Hadrat Imam Shafi May Allah have mercy on them. You will find very few narrations attributed to them because of how busy they were compared to others in their era who were only involved in the faculty of hadith. The both Imams were extremely busy in extracting various laws and subsequent issues pertaining to these laws.

One of the greatest evidence of Imam Abu Hanifah May Allah have mercy on him being among the Muhadditheen is when one looks at the amount of issues in Hanafi fiqh which were extracted from the Ahadith. If one wishes to prove this point, all he has to do is look at such masterpieces as Ma’aani yul Asaar of Imam Tahaawi, the Umadatul Qari of Allamah Badrudeen Aini, the Fathul Qadeer of Allamah Kamaaludeen ibn Hummaam, the Sharah Hidaayah, the Fathul Minaan of Shaikh Abdul Haq Muhadith Dehlwi. At the same time, one just has to look at Fatawah Radawiyah if one is unable to see any of the other books mentioned.

His service in the field of Ijtihad.

Two of his greatest contribution among numerous others was the accumulation of the knowledge of shariah and having it properly recorded and the second important task was to be able to create a consultative assembly made up of the best brains at the time in the field of shariah law. For us to understand this, we need to understand the conditions in the time of the Khulafah Raashideen.

The era of the Khulafah Raashideen was not just an ordinary government, it was an extension of the blessed mission of the Holy Prophet peace be upon him. Its main responsibility was to run the country, maintain peace and protect the borders. It was a government which protected the rights of the Muslims who lived in it. One of its main objectives was also to make sure that everything went

according to Islamic rules. In fact we can also say that besides being the khilaafat-e-raashidah, it was also khilaafat-e-murshidah in other words, a guide for the people who lived in it. However as this blessed period ended, divisions began to appear in political power and this power was also divided into political leadership and religious leadership. Political power rested in the hands of governors and rulers and religious power rested with the Ulama. In fact, most of the people in political power had no interest in what was haraam and what was halaal, what was permissible and what was not.

Assimilation and compilation of religious laws.

One of the great contribution of the great Imam was to be able to create a set of religious laws for the people that lived within the Muslim state. After one century had elapsed, the damage which had occurred within the various Muslims is known to most people. At the same time, the border of Islamic might stretched from Spain to Sindh and various nations had entered the fold of Islam. Suddenly, there was a great need to address issues facing Muslims such as the Muslim lifestyle, financial needs of people, business, trade, marriage issues, issues dealing with military affairs etc.

Also bear in mind that new converts to Islam from other countries also brought is own challenges in the form of new ideas, new standards of living and new customs and behaviour. Suddenly the Muslims had to have a system of laws which would be able to guide them forward. Another important point is that there was no set constitution available on which Muslims could determine their different issues. There had to be a set of rules and regulations which could be upheld by both Muslims and the government which controlled these lands. This shortage was certainly felt by both the state and the public at large and also to the religious leaders as well.

This is when the great Imam felt that something needed to be done as quick as possible to guide the Muslims on their religious path and also this had to be completely separate from government influence and interference. Of course, this could only be undertaken by someone who had the knowledge, the acumen and respect within the community to achieve this. This also had to be something the general public accepted and the government which controlled at that time. He also understood the dangers if this was not done as quick as possible and the great danger which lay in front of the Muslims in the years to come. He then arranged the consultative forum among his students and various other experts in different

fields to fulfil this task. There were about thirty six members in the forum. Such was the immense knowledge of this forum that it is mentioned that twenty of them had the qualities of being a Chief Justice. Six of them had the qualities of issuing an Islamic decree and two of them had the quality of actually preparing a Qadi and Mufti. (Al Manaaqib Imam Azam - Al Muwaffiq).

Such was the state of this consultative forum and that Hadrat Imam Abdullah bin Mubaarak May Allah have mercy on him narrates, “Once, this forum continued to deliberate on an issue for three days and on the third day when I heard the azaan, I realized that they had completed their discussion”. As each issue was discussed and finalized, it was then recorded. When it had completed its task, in some reports it is mentioned that nearly eighty three thousand issues were discussed and recorded. At the same time, if there were issues which had not yet appeared again; this was presented as an example and then a solution was found for it. At the same time, by the great Imam dividing all of these issues into different chapters and then including all the issues within this chapter, this became a standard for all jurists in the future and was also followed by Imam Malik and Imam Shafi May Allah have mercy on them.

Finally, after the complete process was completed, he had a special meeting with his students and well wishers and gave them strict instruction and advice. He mentioned, “You are those who have been the cause of my joy and have removed immense sorrow from me. I have placed the reins of Fiqh upon your shoulders and I am hopeful that people will follow you and your example. As for those among you who will be Qadis of the future, let him have fear for Allah when he makes his decision. Please respect this knowledge which has been given to you so that others will also respect it. Do not lower yourselves by being bribed by others into selling this immense Amaanah which has been given to you.”

As we have said, some of his students were qualified Mujtahids in their own right and had gained this quality from their respected Imam. It is said that he had numerous students.

Sadly, since he was not prepared to accept the position of Qadi offered to him by Mansur, he was publicly humiliated and punished. He was also whipped in public and in his last moments, he was given poison and this is how he was

martyred. Some reports indicate that he passed away in a state of being in sajdah and other reports give another account. Suffice to say that his immense contribution to Islam and the Muslims will always be remembered until the day of Judgement.

Hadrat Imam Malik – May Allah have mercy on him – and his contribution to knowledge and Ijtihad

Birth: He was born during the era of Waleed bin Abdul Malik. There is also a difference of opinion on his birth, however the widely accepted view is that he was born in 93 ah. He had also mentioned this himself and he passed away on the 14th of Rabi uth Thaani 179 ah. during the reign of Harun Rashid. His full name is Malik bin Anas bin Malik bin Abu Amir Asbahi Yamni.

During his era, learning the science of hadith was the topmost mission of most families and in his family there was no difference. He first memorized the Quran and then began to study Ahadith. His mother also encouraged him to go and study at the feet of Rabe'ah and he continued doing this for a long period. Such was his concentration on this subject that whatever he learnt on that day, he used to memorize and revise and one day when his sister went past, she noticed him sitting under a tree and studying by himself. She then brought this to the attention of her father who replied, "He is someone who is busy learning the hadith of the Holy Prophet peace be upon him."

Classes held by him.

It is mentioned that after he qualified, he used to hold classes within Masjidun Nabawi shareef. This is where he taught others hadith and also Islamic law or fiqh. It is mentioned that students used to attend these classes from far off places in the Muslim empire. No exact date has been mentioned when he had started these classes but when he became very old, he used to hold these classes at his residence. It is also reported that he had begun these classes while his teacher Hadrat Rabe'ah May Allah have mercy on him was still alive.

Note.

There are also false reports that when his blessed mother was pregnant with him, this pregnancy lasted three years. There is no basis in this report. Another false report is that he began his own classes because his eminent teacher had become angry with him. Again this is a baseless report. Yes, what we do know is that when his eminent teacher passed away, he was forty three years old, hence it is only logical that he may have begun his own classes prior to this.

His livelihood.

There is also no solid evidence in this regard. Yes it is reported that his father was someone who used to make arrows or quiver and perhaps he may have helped in this regard. He was also attracted to knowledge from a very young age, hence, whatever he may have done in this regard was something which was part time. There is also another report that he may have helped his brother who used to sell cotton material and he may have also used this to support himself while acquiring knowledge.

He was also someone who used to accept the gifts that were sent to him by the rulers of the day. However, this was opposite to Imam Abu Hanifah May Allah have mercy on him who never accepted the gifts of any ruler either the during the Umayyad period or the Abbasid period.

His connection with the rulers of the day.

Even though he had close relationship with the rulers of the day, yet, he displayed more respect and love for the Ulama and for knowledge. In the book Miftahus Sa'aadat, it is mentioned that once Harun Rashid asked him to visit him at his palace so that he could personally teach his two sons Mamun and Ameen. However, he replied in the following manner, "O slave of Allah! It is better that you approach me so that my children can also listen to the Mu'atta. O Ameerul Mo'mineen! knowledge is something which is not found with you and if you display respect for it, it would possess respect and if you display disrespect for it, it will certainly create disrespect for you. Knowledge is something which you have to approach, it does not approach anyone itself."

When Harun Rashid heard this, he sent his both sons to the great Imam so that they could also join the other students of the great Imam. The great Imam also advised him that his sons were not to cross over the shoulders of other students and wherever they found a place at the back of the class, they were to sit on this spot. Another incident is reported where Harun Rashid one day asked him to bring the Mu'atta to him so that he could personally listen to it, however, the great Imam refused to accept this request and Harun Rashid was forced to come personally to the residence of the great Imam to listen to the Mu'atta.

His status in the field of Hadith.

One day, Imam Shafi May Allah have mercy on him mentioned, “when the subject of hadith is mentioned, then without doubt, Imam Malik is like a shining star and in (this regard) I owe no one a greater favour than him.” Imam Mohammed Abu Zahra mentions that there was two outstanding qualities of the great Imam in matters of fiqh. The first is that besides having an impact on fiqh, he used his great intellect and opinion in making a decision. As much as he used fiqh in his decisions, so much so, he also used his own opinion. The latter day Ulama also classify him as being among the people of Rai or those who used their own opinion to make a decision. Another quality of his decision was that it removed a lot of inconvenience and hardship from people.

Hadrat Naaf'a Moula Abdullah ibn Umar May Allah have mercy on him.

The great Imam learnt fiqh and various other issues from him. One important point to be borne in mind is that the chain of narration between the great Imam and the blessed Ashaab is also considered a golden chain. In other words, it constituted only two people. Imam Malik narrated from Naa'fa who narrated from Abdullah ibn Umar May Allah have mercy on them. He also learnt hadith from Ibn Shahaab Zuhri and many reports from him are reported in the Mu'atta. He also learnt hadith from Abdullah bin Zakwaan who was also famously known as Abu Zinaad.

This was also considered as the final teacher of the great Imam. The great Imam also learnt fiqh from this eminent scholar which was only reported from the blessed Ashaab and Taaba'een. Among the first teachers of the great Imam is Rabee'at Ar Raa'i. This was someone who taught the great Imam how to extract laws of shariah from the various ahadith. It is also mentioned that he enjoyed the company of three groups of Ulama. The first were those he visited during the days of Hajj. The second group were the Ulama from Madina shareef and the third category were the various material he had read which had been written by eminent scholars.

The appearance of different sects during the Abassid dynasty.

During the rule of Mamun, Mu'tasim and Harun Rashid through which the great Imam lived, two categories of people appeared. The first was considered as political opponents and the second was considered as religious opponents. What was his opinion in this regard. Before we mention that, it is important that we reveal the identity of these groups.

Among those who were considered as political opponents of the then rulers were the Shia and the Khaariji. And when it came to sects who were religious opponents, they were the Qadriyah, the Jahimiyah (or Jabariyyah) and the Marjiyah.

Shia menace. This was also considered as the oldest of the various sects and came into existence during the latter part of the rule of Hadrat Sayyiduna Uthman Ghani May Allah have mercy on him. They were firm in their belief that Khilfah should have been given to Hadrat Sayyiduna Ali May Allah have mercy on him and they were also divided into various other sub sects. These were people who had gone beyond religious boundary in their support for Hadrat Sayyiduna Ali May Allah have mercy on him and among them, there were the Sabi'ah and the Gharaabiyah.

Sabi'ah. These people followed Abdullah bin Saba. They also firmly believed that Ma'azallah Hadrat Sayyiduna Ali May Allah have mercy on him had Divine qualities in him. Some of these idiots were also burnt alive by Hadrat Sayyiduna Ali May Allah have mercy on him.

Ghaaribiyah. They believed that Prophet hood was to have come to Hadrat Sayyiduna Ali May Allah have mercy on him, Ma'azzallah and that Jibraeel Ameen had made an error and had come to the Holy Prophet peace be upon him by mistake, Ma'aazallah. These people were also divided into two further groups, the first adopted a more accommodating stance while the other was extreme in its view. The first group is referred to as Zaydiyah. They claim to be followers of Zaid bin Ali Zainul Aabideen May Allah have mercy on him. They do not consider the khilaafah of Hadrat Sayyiduna Abu Bakr and Hadrat Sayyiduna Umar May Allah have mercy on them as being legitimate. However, they do not insult the other Ashaab. As for the second group which were extreme in their beliefs, they were also further divided in more groups. The main groups were Kaysaaniyah, Imaamiyah Ithna Ashariyah and Isma'iliyah.

Kaysaaniyah. These were people who supported Mukhtar who is considered the first leader of the Marwaaniyah cult.

Ithna Ashariyah. They maintain that there are twelve Imams who have disappeared from everyone. They will appear during the last days and fill the earth with justice and equality. Among the shia, these people have always been in the majority and they are mostly found in Iran.

Ismailiyah. These were people who were at the forefront of supporting the Faatimid dynasty in Egypt for a few years.

The second political opponent (in the form of a religious cult) was the Khaariji. These were people who had divorced themselves from the army of Hadrat Sayyiduna Ali May Allah have mercy on him because they did not agree with some of his decisions. Such was their extreme hatred for the blessed companion that one of them was also responsible for his eventual martyrdom.

The various cults during the Umayyad dynasty.

The corrupts sects which appeared in this period were also signs of eminent danger to any future Islamic government. Another dangerous group which appeared in this era were those people who felt no one was entitled for khilaafah and that this was a position which could be acquired by anyone. These were those people who felt that anyone who committed a serious sin has actually committed kufr and hence out of the folds of Islam. They are also had many sub sects. Some with extreme beliefs. They were divided into the Azaariqah and the Abaadiyah.

Azaarikah - These were followers of Naaf'e bin Azrak. These were people who had extreme beliefs and can be compared to the latest Jamaat Islami sect because they are very similar in their beliefs.

Abaadiyah. These were followers of Abdullah bin Abaad Al Mirri At Taymi. They believed that those who opposed them were neither kaafirs not mushriks and were kufaar-e-ne'mat or people who have become guilty of being ungrateful to Divine Grace. The death of opponents was haraam and their martyrdom was permissible. They are also found in Maraakesh, Amaan, Western Africa and other parts of Arabia.

The Khaariji. Among these people, there were those who had left the folds of Islam through their kufr belief. They were divided into the Yazeediyah and the Maymuniyah groups. The first group had the belief that the Almighty will sent a

Prophet among the non Arabs who will cancel the shariah of Islam. The second group were people who believed that one could marry ones nieces, ones grand children etc. They are also people who are reported to have refuted Surah Yusuf and did not accept it as part of the Quran.

The great Imam against non Sunni beliefs.

He was in the habit of giving short and precise answers to those who questioned any Sunni belief. He did not consider it worthwhile to become involved in long and lengthy debate. Once, someone asked him about the verse in the Quran and the meaning of the word “Ista wa”, in other words, the act of Allah being “ista wa” on the Divine Arsh. He remained silent for a while until he began to perspire and then declared, “This is something which cannot be comprehended through the intellect. Such types of question is Bid’ah and it is Waajib upon us to merely believe in the state of Ista wa. I can also see that you are misled”. When the questionnaire heard this reply he declared, “O slave of Allah, there is none worthy of worship but Allah. I had asked this question in Iraq, in Basrah and in Kufah but no one had given me such a clear explanation as you have.”

The issue of whether Imaan increases or decreases.

He was of the opinion that Imaan constituted beliefs, words and actions. He gave the opinion that at first, the qiblah was Baitul Muqaddas. However, later on, Muslims turned to the Kaba. At the same time, the Muslims were also fearful that perchance, their salah had been wasted, however, they were informed by the Almighty that He will not allow their belief to go to waste. This proves that in this context, salah was also part of Imaan and this is physical action. Therefore, Imaan constituted both action and words. At the beginning he used to extract the actual meaning of this from the outer meaning of the words of the Quran, however when he delved deeper into this, then he concluded finally that Imaan was something which increased and when it came to the decrease of Imaan and the possibility of this, he remained silent.

His standpoint in Taqdir and the actions of people.

This was also an issue which was highly debated in his era and which was highly debated during the Umayyad dynasty. We have already discussed the appearance of certain groups who appeared in this regard. The first group were the Jabariyyah. They believed that man was completely not in control of his actions and his intentions. The other group was the Qadriyah. They believed that

man was completely in control of his actions and intentions. Hence, if he did good, he would be rewarded and if he did evil, he would be punished. The great Imam did not consider the latter group to be mushriks and there is no clear fatwah of the great Imam to be seen in relationship to the first group. He used to also refrain from discussing people with these types of believes as this would harm ones religion.

His standpoint of the Quran.

The controversy surrounding the Quran was something which was stirred up by the Qadriyah and the Mu'tazali. He disliked the idea of getting into a debate on this issue with people like this. He also warned others not to get involved in this type of debates. However, he was clear on a cardinal principle in this regard which was later to become a serious issue during the era of Imam Ahmed bin Hambal May Allah have mercy on him. He declared very clearly that the Quran is the Divine Word of the Almighty and anyone who claimed that it was a creation would be severely punished and he should also be imprisoned and kept in prison until he does not make taubah from this belief.

His standpoint on being able to see the Almighty.

This was another point which was raised by the Mu'tazali who maintained that it was impossible to see the Almighty as it meant that the Almighty would be confined to time and space and this was impossible for the Almighty. The great Imam made it clear that people would certainly be able to see the Almighty in the hereafter.

The controversy in his era.

Many types of groups also appeared in his era having different beliefs and thoughts. The major groups were the Khaariji and the Shia who appeared during the Umayyad period and during the Abbasid era. Each group was against the other. The Shia were people who completely rejected the khilaafah of the first three leaders of Islam and also continued to insult them. The Khaariji were people who rejected Hadrat Sayyiduna Ali, Ameer Mu'awiyah May Allah have mercy on him etc. As far as the Abbasid rule was concerned, they only accepted those leaders who were from the family of Hadrat Sayyiduna Abbas May Allah have mercy on him and no one else. He remained aloof from these issues and maintained that his view was like that of the general Muslim public and he

supported the sequence of Muslim leaders as they appeared. He was also ridiculed by certain Shia in this regard but remained firm in his view.

The Mu'atta.

This masterpiece was started in the reign of Mansur during the Abbasid era. Some say that he was encouraged to do so by Mansur himself. He also completed a draft of this at the final stages of Mansur's reign. During the reign of Mehdi, this appeared in the form of a complete book. It is said that he spent nearly forty years preparing this masterpiece. There are nearly one thousand narrators to be found in this book. The most authentic copy of this is said to have been narrated by Yahya bin Yahya Al Laithi Al Maswadi Andalusí and also from Imam Mohammed bin Hasan Shaybaani May Allah have mercy on them. It was designed in such a manner that it guided people in their daily lives and also in their political environment.

It was also meant to guide the Muslims as well as the authorities so that they would protect themselves against mistakes caused by both the common people and the government. It contained the advice of the Holy Prophet peace be upon him the blessed Ashaab and the Ijmah of the Ahle Madina. This is mentioned by Imam Shafi May Allah have mercy on him. Although people consider this to be a book of hadith, yet, it contains issues pertaining to fiqh, hence this was his contribution to both hadith and fiqh. Another reason is that in his time, this was not considered as two different subjects. There are also many other manuscripts which were distributed among the Muslims of that era and which further propagated his mission in this world. It is said that these were manuscripts which were prepared by the great Imam himself. These include among others Maduniyyah, the Waadiyah etc.

The support of Ijtihad by the great Imam.

The great Imam acquired the knowledge of Fiqh from seven eminent jurists of their era and also acquired the knowledge of hadith from them. This is the reason that many questions were sent to him from all corners of the Muslim world and he used to answer according to the fiqh and hadith knowledge at his disposal. If there was no clear proof for a certain issue, he used to compare this with something similar and if there was nothing similar, he used to make Ijtihad.

His test.

During 146 or 147 ah, the governor of Madina shareef, Jafer bin Sulayman did have him punished. One of the reasons given was that the great Imam did not consider it permissible that people should be forced into swearing allegiance. In this way, it was giving the impression that he did not support the Bani Abbas. However, some historians feel that this was not the actually reason. The actual reason was that the great Imam made it clear that Mut'ah (or temporary marriage) was haraam while some members of the Bani Abbas considered it halal.

Conclusion.

The great Imam was not someone who was stagnant in his ruling and opinion when it came to fiqh. Hence the opinion of Ibn Khaldun in this regard is incorrect. His opinion and ruling also took the environment into consideration in which he lived. His followers are to be found in the Hijaz, Basrah, Egypt, some parts of Africa, Andalusia, Maraakesh, Sudan etc. It was also followed by a large population in Baghdad but later on, this began to decrease. It was also established in Nishapur where there were various Madaaris which were established.

Hazrat Imam Shafe'i – May Allah have mercy on him – and his contribution to knowledge and Ijithad

Hadrat Imam Shafi May Allah have mercy on him is among the four Imams of the Ahle Sunnah wa Jamaah whose immense knowledge, Ijtihad, greatness, eminence, piety and nobleness is unanimously accepted by this ummah. There is a large segment of the Ahle Sunnah wa Jamaah who consider him as their leader in matters of Fiqh and therefore consider themselves as Muqallids of the great Imam. His full name is Abu Abdullah Mohammed bin Idris bin Abul Abbas bin Uthman bin Shaafi Al Hashemi Al Qarashi Al Mutallabi. One of his ancestors is Hadrat Shafi May Allah have mercy on him who is also considered as being among the Ashaab. The father of this person was Hadrat Saa'ib May Allah have mercy on him who was also captured in the battle of Badr. He also paid a ransom and was released. However, he later accepted Islam. The blessed family lineage of Hadrat Imam Shafi May Allah have mercy on him meets at Abde Munaf with that of the Holy Prophet peace be upon him and therefore, he is considered a Hashimi and a Quraishi. This is that blessed quality of his which is not found in the other three Imams.

His father also migrated from Mecca shareef and settled in Ghaza in Palestine. The purpose was to continue his business in this part of the world. And in this city, the great Imam was born in 150 ah. His mother is also Hadrat Sayyidah Fatimah binte Abdullah Mahaz who is the granddaughter of Hadrat Hasan Muthannah May Allah have mercy on him and the great granddaughter of Imam Hasan May Allah have mercy on him. When he was only two years old, his father passed away and his family experienced immense difficulty and hardship. His mother then returned with him to Mecca shareef and therefore his early learning and training took place in Mecca shareef. From a very early age, he had immense thirst for knowledge. However, at this early stage, he showed great interest in poetry, Arabic grammar and the history of the Arabs and later on, began to acquire knowledge in Tajweed, Qirah, Hadith and Fiqh. In fact, he attained such proficiency in grammar and poetry that he began to be included among the authorities in Arabic grammar. Imam Asma'i May Allah have mercy on him explains, "I learnt of the correctness of many of the poetry by Hazeel through a Hashimi young man. The name of this young man was Mohammed bin Idris)."

Imam Ahmed bin Hambal May Allah have mercy on him has stated that, “Imam Shafi May Allah have mercy on him was considered as one of the most eloquent of speakers.” His Qirah was also much appreciated by Imam Malik May Allah have mercy on him. One of the reasons is that there was an immense spiritual effect in his voice. When the great Imam turned to acquiring the knowledge of hadith, at the early age of only thirteen, he had memorized the Mu’atta of Imam Malik May Allah have mercy on him. After this, his mother took him to Madina shareef and placed him in the blessed company of Imam Malik May Allah have mercy on him so that he could further his studies.

In fact, the great Imam explains his interest in acquiring religious knowledge in these words, “One day, I was busy reciting the poetry of Labeed with great enthusiasm and joy when I heard a voice say to me, ‘why are you wasting your time in this type of poetry, go and acquire the knowledge of fiqh’. When I heard this, I was greatly affected. I then attended the classes of Sufyan bin Ainiyah May Allah have mercy on him in Mecca shareef and also the classes of Muslim bin Khalid Zanghi and then went to Madina shareef to attend the classes of Imam Malik May Allah have mercy on him.”

The great Imam attained immense knowledge of Islamic fiqh and hadith at the hands of Hadrat Muslim bin Khalid May Allah have mercy on him. Such was his impression of his young student, that Hadrat Muslim bin Khalid May Allah have mercy on him gave the great Imam permission at a very young age to issue Fataawah. Obviously being given such an immense responsibility at such an early age clearly proves the immense intelligence and brilliance of Imam Shafi May Allah have mercy on him. Abu Ubaid states that, “I have never met anyone as intelligent as Imam Shafi May Allah have mercy on him”. In fact, Yunus bin Abdul ‘Ala states, “If the knowledge of the entire ummah was measured, still too, the knowledge of Imam Shafi May Allah have mercy on him would encompass all of this.” The great Imam spent sixteen years in the blessed company of Imam Malik May Allah have mercy on him until his passing.

One of the greatest accolade of Imam Shafi May Allah have mercy on him was what the Holy Prophet peace be upon him foretold about him. Once the Holy Prophet peace be upon him mentioned, “There will be an Alim from the Quraish

who will fill the world with knowledge”. This has also been mentioned by eminent leaders of the other three mazhabs.

Hadrat Imam Ahmed bin Hambal May Allah have mercy on him beautifully summarises the greatness of Hadrat Imam Shafi May Allah have mercy on him in the following words, “Whosoever has used a pen and ink, around his neck is the favour of Imam Shafi May Allah have mercy on him”.

He further clarifies, “No doubt, Imam Shafi May Allah have mercy on him is considered as the Mujaddid of the second century as Hadrat Umar bin Abdul Aziz May Allah have mercy on him is the Mujaddid of the first century.” He further states, “in thirty years, there has never been a night in which I did not make dua for Imam Shafi May Allah have mercy on him.” Besides having immense knowledge and stature, Hadrat Imam Shafi May Allah have mercy on him was also noted for his Zuhd, piety and was unmatched in this regard. He was also a great zaahid, aabid and extremely pious. Explaining the manner of the great Imam, Rabee bin Sulayman explained, “The great Imam divided his night into three sections. The first was spent in writing. The second part was spent in ibaadah and during the third part, he had a little rest.” Ebrahim bin Mohammed explains that, “I have never seen someone read salah in such a beautiful manner as Hadrat Imam Shafi May Allah have mercy on him. His salah was similar to the salah of Muslim bin Khalid and his salah was similar to Musim Juraih and his salah was similar to Ataa bin Abi Rabah and his salah was similar to Abdullah bin Zubair and his salah was similar to Hadrat Sayyiduna Abu Bakr and what can we say about the salah of Hadrat Sayyiduna Abu Bakr, his salah was very similar to the salah of the Holy Prophet peace be upon him (May Allah have mercy on them).”

The scale of his Ijtihad.

Hadrat Imam Shafi May Allah have mercy on him as per the rules and regulations set out by him, he used to extract various issues from the Quran and Sunnah and answers to many questions. His principles of Ijtihad can be seen from his masterpiece the “Ar Risaalah”. It was through these principles that he formulated and assimilated his laws of fiqh. This was not only recorded but was physically seen in him. This can also be seen from another of his masterpiece the “Kitaabul Umm”. Besides presenting all the various issues in his mazhab, he also presented concrete evidence and testimony.

He also presented his laws of Usul and how he had derived this answer. In his extraction of any law, based on his principles of Ijtihad, he first looked at the Quran and never tried to present any further explanation on any Nass if it was clear and apparent. After this, he looked at the hadith shareef. He even accepted that hadith shareef which had a single narrator as long as the narrator's credentials were proven. Looking at the laws derived by him, one can see that he relied heavily on the sunnah and there is no doubt that if one ignores the sunnah, it is impossible to acquire a clear picture of the Quran. It is the sunnah of the Holy Prophet peace be upon him which is an explanation of the Quran. The Quran contains general laws and rules and it is the hadith which explains these laws and rules. It is the hadith shareef which explains that which is common from that which is specific. That which is definite from that which is absolute etc.

This is the reason that the great Imam spent many years safeguarding the hadith and also protecting it against those who were enemies of the hadith. He was also one of those eminent scholars in Islam who gave a definite status to Khabar-e-Waahid or a hadith which had one single narrator and he was able to substantiate the evidence for it as being a source of testimony.

In fact, such was his immense contribution to hadith and the science of hadith that the Ulama gave him the title of "Naasirul Sunnah". He was not only an eminent Haafizul Hadith, but also understood the various intricacies of various hadith. Hasan bin Mohammed Zafrani explains his speciality in this manner, "The scholars of ahadith were asleep, however, Hadrat Imam Shafi May Allah have mercy on him awakened them and they became awake."

Imam Nawawi May Allah have mercy on him in the Majmu'ah 1/10, explains, "One of the great attributes of Hadrat Imam Shafi May Allah have mercy on him was his immense assistance to the science of hadith. His strict obedience to sunnah and his compilation of the laws which govern his mazhab. These were also based on evidence which was solid, authentic and fully established. In fact, when he arrived in Iraq, the title given to him was Naasirul Hadith. As far as the latter day Ulama were concerned and the Ulama of Khuraasan, according to the jurists, the person who follows his mazhab are also referred to as the Ashaab-e-Hadith."

There is no doubt that among the Ahle Lughaat (language), the Ahle Usul, the scholars of Hadith and the Ahle Fiqh, everyone of them are unanimous in the honesty, the integrity and the piety of Hadrat Imam Shafi May Allah have mercy on him. However, one of the amazing qualities of the great Imam which is overlooked by most people is that he was one of the greatest debaters of his era. However, such was his greatness that he never debated with the intention of humiliating anyone but with the intention of making sure that, that person was brought back on the road of truth. (He himself had stated that whenever I debated with anyone, it did not interest me whether truth was revealed through me or through my opponent by the Almighty.)”.

Once, the son of Hadrat Imam Ahmed bin Hambal May Allah have mercy on him asked his father, “Who is this Shafi you always speak about and for whom you seem to make much dua for?” The great Imam replied, “Imam Shafi May Allah have mercy on him is such a person like how the sun is necessary for the day and health is essential for a human. Tell me, is there any substitute for these things?”

His writings.

The great Imam spent most of his time teaching, in religious debates and discussion, extracting various laws and rules and serving the office of Darul Iftah. He had also written many masterpieces which were going to help the ummah in the future.

Once, Abdur Rahman bin Mehdi May Allah have mercy on him asked the great Imam to write a manuscript in which he could find the immense meaning of the Quran, the various ahadith, the Ijmah and various laws which were still applicable and those which have been abrogated”. The miracle of the great Imam is that in his young age, at the request of this person, he wrote the masterpiece which later became known as the “Ar Risaalah”. This contains all the information which had been requested.

There is also no doubt that the Musnad of the great Imam also holds a lofty status. These include those ahadith which the great Imam had personally taught his students. Some of this has also been narrated by Rabee bin Sulayman to Abul Abbas Mohammed bin Yaqub Asam and later included in the “Kitaabul Umm”

and the “Mabsut”. In fact, this was later extracted by Abul Abbas and compiled as the Musnad of Hadrat Imam Shafi May Allah have mercy on him.

His Demise

Imam Mazani May Allah have mercy on him narrates that he was present when the great Imam was about to leave this world. He then asked the great Imam about his condition and he replied, “This is the moment when the world is bidding farewell, the moment when one is separated from his family, the cup of death will be presented and the results of ones deeds will be revealed and very soon, one will be presented in the Divine Court of the Almighty, Who is aware of where the souls will be taken.”

The great Imam May Allah have mercy on him passed away on the 30th of Rajab 204 ah. on the day of Juma. His mazaar shareef is in Egypt and thousands of people visit the great Imam everyday. His spiritual grace and benediction continues to descend on those who visit his blessed qabr shareef. We make dua that his spiritual grace also falls upon us. Ameen.

Imam Ahmed bin Hanbal – May Allah have mercy on him – and his contribution to knowledge and Ijtihad

We have to understand the background at this time in Baghdad. After a long and bloody rule, the Ummayyad dynasty had come to an end and the Abbasid dynasty came to power. The power in Damascus also changed with this. Much time was spent by the new rulers in stamping out any rebellion and they tried their level best to do this in a peaceful manner as possible. They also fully supported the Ulama and the various faculties which were busy in compiling knowledge. With the result, as rebellion decreased, people began to breathe easy and the environment became so stable that people now began to concentrate on the acquisition of knowledge. Numerous books were written in this period and many books written by non Muslim were been translated into Arabic. There was hardly a branch of knowledge in which books were not written and compiled or translated.

Allama Zehbi explains, “In 143 ah, the Ulama began the task of writing material on the subject of Hadith, Fiqh, and Tafseer. In Mecca shareef, this was performed by ibn Juraih, In Madina shareef, Hadrat Imam Malik compiled the Mua'tta, in Syria, this was performed by Imam Awzaa'i, in Basrah by ibn Abi Arobah and Hammad bin Salamah, in Yemen by Mu'ammarr, in Kufah by Imam Sufyan Thouri and in the Al Maghaazi, it is mentioned that books were written by Imam Abu Hanifah on the subject of fiqh and qiyas. After a while, this was continued by Haythim, Laith and ibn Labbiyah, after them by ibn Mubaarak, Abu Yusuf, ibn Wahb May Allah have mercy on them. Prior to this, the Ulama relied on their knowledge based on their memory.”

During the last days of the Ummayyad period and the first days of the Abbasid period, within a span of about twenty five years, most branches of knowledge had been written about. Whether this was Ulum Naqliyah such as knowledge of the Quran, the hadith, fiqh, usul fiqh etc or whether it was Ulum Aqliyah such as algebra, maths, philosophy etc.

This was that period when the Mu'talizah were still in their infant state and they were also beginning to affect the power of the day. Most of these rulers including Mamun, Mu'tasim, Waasiq billah were people who were greatly affected by this different branches of knowledge such as philosophy and logics which were spreading across the country. In fact, they had the impression that the 'intellect is the king'. In every little corner of the country, intense discussion and debate was taking place. People began to create all types of misleading information about the Quran and Hadith and other Islamic faculties trusting only upon their intellect.

It was at this dangerous time in Islamic history that the Almighty in His Infinite Mercy sent a shining light to save this ummah in the form Hadrat Imam Ahmed bin Hambal May Allah have mercy on him. This was that star of Islam who gave his life but refused to accept the kufr belief that the Quran was a mere creation.

His name and family.

His full name is Ahmed bin Hambal and his title is Abu Abdullah. He was from a Arab tribe called the Bani Shaybaan. Imam Bahiqi May Allah have mercy on him and Shaikh Abu Abdullah Al Haakim May Allah have mercy on him have recorded his full family lineage. His blessed family lineage is said to join with that of the Holy Prophet May Allah have mercy on him with Nazaar bin Ma'ad bin Adnaan. It is said that Nazaar had two sons, Mudir and Rabee'ah. The Holy Prophet peace be upon him is from the offspring of Mudir and Hadrat Imam Ahmed bin Hambal May Allah have mercy on him is from the offspring of Rabee'ah.

His birth and education.

He was born in Baghdad shareef in 164 ah. and when he was only three years old, his father passed away. He was taken care of by his blessed mother.

He also memorized the Quran at a very young age and after studying Arabic grammar, he started to write and record various manuscripts. He himself admits that he learnt the Quran at a very young age and at the age of only fourteen, he started to write and record.

He was such an amazing child that others used to look at him and endeavour to make their children like him. In fact, most parents at that time had regretted

spending so much of resources on their children, yet, they could not become a role model like Ahmed bin Hambal who was an orphan.

After he had become fully matured, he entered the classes of Imam Abu Yusuf May Allah have mercy on him and spent some time in his blessed company. He then turned to the study of hadith and he travelled for Hajj on five occasions. He also achieved immense knowledge from the Muhadditheen in the Hijaz. He also travelled to Basrah in search of knowledge and to Syria, Yemen, Kufah etc.

He studied and acquired knowledge of hadith for nearly forty years in different countries without complaining about the hardship he had to undergo. Such was his display of respect and reverence for the Holy Prophet peace be upon him that he only began to publicly teach others the science of Hadith when he was forty years old. In fact, ibn Jouzi relates an interesting story which is that once a person in his generation came to study hadith but the great Imam refused to teach him. This was in 203 ah. This person then approached Imam Abdur Razak bin Hummam May Allah have mercy on him in Yemen and when he returned to Baghdad shareef, he was shocked to see the great Imam teaching people Hadith. In fact, people were falling over each other trying to listen to his words. This gives the impression that he was now forty years old.

His demise

It is reported that after a short illness, the great Imam passed away on the day of Juma 12th of Rabi ul Awwal 241 ah. His age was seventy five. He was buried in the graveyard called Maqaabir Shuhadah or the cemetery of the martyrs. Countless people took part in his Janaza. According to Ameer Mohammed bin Taahir, the number of people who participated in this amazing Janaza is said to be 1.3 million. And in other reports, it is said to be close to 2 million. All the heads of governments were also present in his Janaza. His Janaza was performed by Mohammed bin Abdullah. Due to the immense crowd, his Janaza had to be performed many times over. Some people also had to read the Janaza at his grave. Such was the crowd in this procession that the actual burial only took place after Asar. In fact, some of his dis-tractors also had to admit that such was the crowd and the immense fervour of the public and the tremendous love they had for him, that the government was actually forced to call in the army to guard the cemetery where he was buried.

The Zuhd and piety of the great Imam.

His life was one of simplicity and a life of a true derwish. In fact, even ibn Katheer reports from Imam Abu Daud May Allah have mercy on him that in his gathering, no worldly talk was allowed. At the same time, the great Imam also never mentioned any wordily subject. He was also one of those who was given the position of the Chief Justice of Yemen, (Qadi), but he refused to accept this position. In fact, it is mentioned that he was strict in his zuhd and piety that he once refused to speak to his own uncle and also refused to perform his salah behind his son once, because they had accepted some gifts from the head of government. In like manner, once he did not eat anything for three days, he then took some flour from one of his friends on credit and somehow his family came to know of this.

They then prepared some bread and presented it to him. He asked them about how come this bread was prepared so quickly. They mentioned that the oven of their neighbour was already hot and taking advantage of this, they had prepared the bread in his oven. When he heard this, he instructed them to immediately take the bread away and he refused to eat the bread. Imam Bahiqi May Allah have mercy on him reports that since this person was someone who used to accept gifts from the government, the great Imam refused to eat bread which was prepared in that oven! Imam Bahiqi May Allah have mercy on him also reports that numerous gifts and food was sent by the ruler Mutawakkil, but the great Imam refused to accept any of these gifts. In like manner, he refused to accept the gifts of anyone associated with the state. There are countless examples of this in the life of the great Imam.

His mashaikh and teachers.

As we have already explained, he had travelled to many countries to acquire knowledge of fiqh and hadith from some of the greatest scholars of their era. Hence, the list of his teachers are very extensive. Ibn Jouzi has also enumerated the list of his teachers in an alphabetical order and they are nearly one hundred in number. We will present a few of them. In Baghdad shareef, his first teacher was Imam Abu Yusuf May Allah have mercy on him who was the student of Imam Abu Hanifah May Allah have mercy on him. After this, he began to study hadith. Among his famous teachers in this field are Imam Sufyan bin Ayniyah May Allah have mercy on him in the Hijaz, in Basrah it was Imam Abdur

Rahman bin Mehdi May Allah have mercy on him, in Kufah, it was Imam Waaqeh bin Al Jarrah May Allah have mercy on him.

Ibn Katheer has also mentioned that one of his teachers was also Hadrat Imam Shafi May Allah have mercy on him. In fact, such was his love and respect for Hadrat Imam Shafi May Allah have mercy on him that among the few items he left in this world, were two books of Imam Shafi May Allah have mercy on him. One was a very old manuscript and the other was new. In fact, if we look at the extensive faculties of knowledge which he acquired, we can safely say that his mazhab was a set of principles which covered an area from Madina shareef to Iraq. This is seen in the fact that besides recorded evidence in his set of laws, there is also a sign of using one's intellect in his teachings. Hence, one cannot say that the great Imam was particularly influenced by anyone specific, although he did show immense respect and reverence for all the other Imams.

His Teachings and his circle of students.

Since his fataawah had reached many parts of the Muslim world, people came from all corners to seek knowledge from his blessed hands. In fact, in one report it is mentioned that at times, there were nearly five thousand students learning at once. Among them, nearly five hundred used to record his lessons. Since the only place in which these numbers could be accommodated was the Jamia Masjid, hence, it was agreed that this is where his lessons would be delivered from. As a matter of fact, some people who attended his lessons were not actually there to learn anything but merely to achieve barakah of the great Imam. The great Imam also had special classes in his residence for certain special students and these also included his sons.

His writing.

One of the amazing qualities of the great Imam is that he did not allow any books to be recorded about his teachings with the fear that people might record incorrect things about him. This is the reason that during his lifetime, no books on his teachings were recorded or prepared. Yes, certain books alluded to him during his lifetime were books on Ahadith which he did not object to. Some of the manuscripts prepared by him in his lifetime were Al Musnad, At Taarikh, An Naasikh wal Mansukh, Al Muqaddam wal Mu'akhar fi Kitaabillah, Fadaa'ile Sahaabah, Al Manaasik Al Kabeer, Al Manaasik As Sagheer, Kitaabuz Zuhd,

Kitab Al Radd Alal Jaheemiyah, Kitaab Al Radd alaz Zanaadiyah. Besides these, there were other booklets which were prepared by the great Imam.

A mountain of patience and strength.

It is reported that the first person to claim that the Quran was a creation was someone named Jahad bin Dirham who was a kaafir in time of Ummayad era. In fact, once during the day of Eidul Adha, he was killed by Khalid bin Abdullah Al Qasra during an argument on the same issue. However, the poison which he created began to spread all over the Muslim world. Since various individuals were killed during the last part of the Ummayad dynasty who made this claim, their spread was a little restricted. However, during the Abbasid era, new branches of learning especially from Greek manuscripts began to spread and this greatly affect the Muslims. Obviously, these were not Islamic subject and were mostly based on corrupt teachings of philosophy and logic. In the shadow of these corrupt teachings, this fitnah about the Quran also began to spread and be accepted even by the people in power. In fact, this Mu'tazili influence left the masjids and actually entered into the courts of the new rulers and very soon, all of them had accepted this kufr of the Mu'tazali thinking that they were extremely modern in their thinking.

Mamun was someone who was considered moderate in his thinking and someone who deliberated on any decision. Due to his immense greed for power, he had overthrown his elder brother Ameen and snatched power. He ruled the Abbasid dynasty from 198 to 218 ah. Of course in the beginning he tried to be like his father and called many Ulama and eminent scholars to his court to show that like his father he was also a great patron of the learned. However, since he was once a student of Abu Hazeel Alaaf Mutazali, who was once a leader of this corrupt group, he was greatly influenced by the teachings of the Mu'tazali. Since they knew that he supported them in their kufr, the Mu'tazali also became brazen in their public outbursts and also began to sway the new leader in their direction. Bear in mind that since these people were highly learned in logics and philosophy, they were highly admired by the new ruler as well. In fact, they had so greatly influenced him that he even wrote a special note to anyone who succeeded him to make sure that this person kept Abu Abdullah Ahmed Abi Daud very close to him in all his decisions. This was one of the idiots that was highly respected among the Mu'tazali. When these kaafirs realised that they had now great influence over the state, they decided to reveal their real kufr in the

form of calling the Quran a creation. In fact, they then began to openly condemn anyone who did not believe in this and one of their main targets always the great Imam.

In this manner, an immense mountain of oppression descended upon the great Imam. Mamun who was fighting the Romans in Tartus a few days before he could die actually ordered his head in Baghdad to arrest all those who refused to believe in the Quran being a creation. In this manner, the great Imam and Mohammed bin Nuh were arrested and placed in chains to be escorted to the battle front. However, as they were preparing to leave, news reached them that Mamun had died.

The brother of Mamun then took power. However, he was someone who was not very learned and generally considered as nothing but a soldier. Through him also, many parts of the world as far as Turkey were captured. Taking advantage of the mentality of Mu'tasim, the Mu'tazali again tried to influence the new leader. He then had the great Imam imprisoned and placed in chains. Such was the immense punishment given to the great Imam in jail that on most occasions, he actually fell unconscious. The guards used to actually poke him with their swords so that he could regain consciousness. When he regained consciousness, he was again whipped till he fell to the ground. However, in spite of this immense punishment, the great Imam refused to admit that the Quran was a creation. In 226 ah, Mu'tasim died and his son took control.

His name was Waasiq billah. Even though he did not continue to punish the great Imam in this manner, he placed him under house arrest. He was also refused to meet anyone and a public order was given that no one was allowed to meet the great Imam. This continued until Waasiq billah also died. The next person to gain power was Mutawakkil billah. With him, the Mu'tazali influence began to wane and the revival of sunnah began. Such is the manner of people who are able to withstand this oppression, the Mu'tazali died and the great Imam became the most famous Muslim of his era. Yet none of this, affected the great Imam and he continued to display immense humility and taqwah.

His greatness as a Muhaddith.

Such was his status as a Muhaddith that Abu Zar'a admits that the great Imam knew thousands and thousands Ahadith by memory. This was also admitted by

Hadrat Imam Shafi May Allah have mercy on him. Qadi Abul Husain Mohammed bin Abi Ya'la admits that without doubt, the great Imam was considered as the Imam fil Hadith in his era. Obviously, one of his greatest works in this field was the Musnad and prior to explaining this, we will explain a little of the background to this field. Before this, there was no plan to place the Ahadith in any specific manner. All the hadith mentioned by one companion was placed in one chapter and this continued for another companion.

The Musnad of the great Imam was something else. It was a compilation of his extensive travels and the immense knowledge of hadith he had acquired. He had started to compile this masterpiece in 180 ah and continued to his last days in this world. Hadrat Shamsudeen Jazari explains, "When the great Imam started this masterpiece, he recorded it on different pages. He then divided this into different chapters. It was then collated into one single book. However, after this, the great Imam passed away. He had however made his special students and family members listen to the original before he could pass away. This also proves that the actual Musnad was not compiled by him.

This was completed by his eminent son. Even though this was something completed by his son and his close students, yet there is no doubt that the Muslim world owes a great debt to the Imam for this immense ocean of knowledge. His son reports that once he asked his father, "Why have you stopped the process of this being made into a book." His father replied, "This book has been written for the guidance of people. When there is a difference of opinion among people in matters of sunnah, then people would turn towards this as guidance."

Besides the Musnad, we have already mentioned other books of the great Imam but if one looks at all of these books, we will find that they have been based on the various Ahadith which he had collected. In fact, in all his writings, his books and his lectures, he used to emphasize the Ahadith and this clearly proves him immense status as a Muhaddith. In fact, even though he was one of the greatest jurist of his era, yet such was his influence on the science of hadith that people forget this part of his life and include him among the list of the Muhadditheen. This was mentioned by ibn Jareer Tabari and also Muqaddasi. However, there is no doubt that side by side with being an authority on hadith, the great Imam was also a great jurist. Hadrat Imam Shafi May Allah have mercy on him explains that, "There are ten attributes which made Imam Ahmed bin Hambal the leader

in his era. They were Hadith, Fiqh, language, Quran, faqr, zuhd, taqwah, piety and following the sunnah.”

This great attachment to hadith was also explained by Abdul Wahab Warraaq when he was asked about the great Imam, he mentioned, “I have never seen someone like him.” When he was asked the reason for this, he replied, “he was such a person that if a thousand questions were asked of him, he used to reply, ‘hadath na’ or ‘akhbar na’. In other words, he used to only answer using the words of the Ahadith.

The Usul of the great Imam in matters of Fiqh.

Ibn Jouzi has mentioned that the great Imam had five principles in Usul. However, Allamah Abu Zahra mentions four of them. They were the Quran, the Sunnah, the fatwah of the Ashaab and Qiyas. However there are certain who object to this and mention that the great Imam never performed Qiyas. However, there is no doubt that he did in fact practise Ijtihad because he was called upon to answer many questions. There are people who say that the great Imam never performed Qiyas but only relied on the hadith. This is incorrect. Their mission is to make it look like Qiyas is a bid’ah in religion. Yet, as we have already proven, this was something which was practised even during the time of the blessed companions. Yes, there is no doubt that the great Imam did practise caution in presenting his Qiyas and when it was done, the basis was on the evidence of the hadith which was in front of him. Even the student of Hadrat Imam Shafi May Allah have mercy on him, namely Imam Mazani May Allah have mercy on him admits that when Imam Shafi May Allah have mercy on him was asked about Qiyas, he did give permission for this to be performed. We have also mentioned that the great Imam was also a student of Hadrat Imam Shafi May Allah have mercy on him and was noted his piety and steadfastness. There is no reason to think that he was unaware of the view of his eminent teacher.

His respect for holy relics in Islam.

There is no doubt that the new poison in our midsts being the salafi are people who continue to take the name of the great Imam in their corrupt teachings yet they deliberately forget to mention that the great Imam was also someone who used to show immense respect for the holy relics of Islam. It is mentioned that when these people used to take the great Imam to one side so that they could remove his kurta to be whipped, they used to find a small pouch which was sewn

on one corner of his kurtah. Someone asked him what this was, and he replied that this was the most valuable piece of item he had in his life. He mentioned to them this was the blessed hair of the Holy Prophet peace be upon him was which given to him by ibnul Fadl bin Rabee as a gift.

This is the one of the greatest reasons that the greatest of their era became even more great. They left a legacy to the Muslims of the future that if they wanted to also have respect in this world, they had to show the same respect and reverence for the blessed tabbarukaat of Islam.

Shah Waliullah Muhaddith Dehlwi on Taqleed

There is a famous opinion among people who are well known for their classical Urdu acumen that the famous Urdu poet Ghalib, (whose full name is Mirza Asadullah Khan) was someone who was born a century before his time. The reason that people say this is because many of them are of the opinion that some of the things he mentioned in his poetry were way ahead of his time and hence, because of this, he remained a controversial figure his entire life. However, one century later, only now people are beginning to understand and appreciate some of his Urdu poems.

If this had to be applied to any religious scholar, then certainly Shah Waliullah Muhadith Dehlwi May Allah have mercy on him would fit this description. He lived in India between 1116 until 1176. As we have said, people continued to praise him years after he had died and yet, the time for Shah Waliullah Muhaddith Dehlwi May Allah have mercy on him has not yet seem to have arrived. Yes, many groups in India who claim to have started on the basis of Islam and Sunnah admit to his greatness and many of them also bring forward some of his words and statements to back their own perspective, yet, no one is fully prepared to accept him.

Everyone used his name and status to back their arguments in this own manner, but no one seems to be able to fully accept him into their ranks. This is applicable to that person who is a muqallid, a ghair muqallid, a sufi and salafi and whether the person is a Sunni or a non Sunni. It seems like everyone is playing the wait and see game with his name and his acceptance. There is no doubt that from the beginning his name was used in such a manner that it created doubt in everyone's mind. There is a famous statement in Urdu which says, "The Mufti of Islam has branded me a kaafir, while the kaafir believes I am a Muslim." In fact such was the controversy about his personality from the beginning that two groups fought over him.

Each felt that he supported them. However, it must be understood that he was considered a very learned scholar and due to this, there were a few statement of his which were completely misunderstood by a large segment of the Muslim

population. At the same time, there was also plenty of propaganda against his name and sadly, most of this false propaganda was accepted without question. Sadly, also, the actual benefit that people would have been able to acquire from him was also lost. At the same time, certain false groups are still using his name to further their nefarious activities who if you look carefully have no real religious connection with him in the first place.

There have been three types of false propaganda against his name. They are:

1. False books and writing attributed to him.
2. False rumour and statements attributed to those books which he did write.
3. A completely false façade presented on his actual belief.

A famous Ahle Hadith historian, Ghulan Rasool Mehr has also admitted that the book, “Al Baaghatul Mubeen” is a book which is falsely attributed to him. Allamah Shibli Numani and the famous Urdu scholar, Molwi Abdul Haq have also completely refuted another two books which are falsely attributed to him called, “Qurratul Ain fi Abtaal Shahaadat Al Husain” and Al Jannatul Aaliyah fi Manaaqib Mu’awiyah”. Another book falsely attributed to him is also “Qoul Sadeed”. Wakeel Ahmed Sikander has also made it clear that the book “Al Balaaghul Mubeen” was also printed by another corrupt sect in India. All of these five books are not found in the list of books which the famous scholar has written not has any of his students or mureeds ever mentioned the names of these books in any of their writings. In fact among the people who have written his biography, from Professor Yaseen Mazhar Siddique to Faqeer Mohammed Jhelimi none have mentioned any of these books.

Another important point to bear in mind that besides this attack on him, another dangerous factor which has affected his personality is the open and flagrant editing of his original works. Some parts have been removed to suit the needs of a certain group and other points have been added to suit their own private agenda. Whether it is the famous “Hujjatul laahul Baaligha” the “Tafhimaat”, you will find many statements and points which are completely contrary to his original writing.

The third attack on him has been the complete misinterpretation of some of his original thoughts and this has created even more confusion in the minds of people. One of the examples of this devious methods was the statement of

“Moulana” Mas’ud Ahmed Nadwi who compared Shah Waliullah as being the ibn Abdul Wahab of India. What words we can use to describe such ignorance and evil? Eminent messages which he presented in his books such as Fuyuzul Haramain, Anfaasul Aarifeen, Ad Durruth Thameen, Al Qolul Jameel, Al Intibah fi Salaasil Awliyah and Al Qolul Jalee fi Zikr Asaarul Wali, all of these books, what common things do they have with a filthy piece of material like “Kitaabut Tauheed”? At the same time, a concerted effort was made to make it look like Shah Saheb had nothing to do with Sufis or Tasawwuf and yet when some of his writings were revealed, it shut most of these people up who tried to make him look like an open enemy of sufis.

When they realised that this was not working, they then started to make a concerted effort to alter some of his writing and twist the meaning in such a manner which confused the ordinary Muslim. In one of his books called Al Qolul Jameel, Shah saheb has presented the great spiritual benefits of the names of the Ashaabe Kahaf and he had also mentioned that these were names which would protect a person against drowning, against theft and against fire etc.” However, to change the meaning and intent of these words, “Moulana” Syed Abul Hasan Nadwi saheb goes on to say that, ‘none of these were his writings before he went on his journey to the Haram shareef’.

At the same time, prior to uttering these words, he goes on to praise the great effort of reviving Islam by Shah Saheb. In other words, he wants to give the people the impression that Shah saheb only believed in these things prior to going to Mecca shareef and when he came back, his beliefs had changed. This is the manner in which they hoped to discredit him and also uplift the status of ibn Abdul Wahab. This was the actual and true intent in mentioning things like this. In fact, this was also warmly accepted by the religiously ignorant and they continued to use this method to dishonour him. Whenever they found something which did not suit their beliefs uttered by Shah shab, very quickly they mentioned that these were his statements before he visited the Haram.

Yet, people such as Doctor Mazhar Baqa and others have clearly proven that books like Al Qolul Jameel were actually written by Shah saheb after he had returned from the Haram shareef. In this evil manner of theirs, they wanted to make it look like the beliefs of Shah saheb was also the same as ibn Taymiyah and ibn Abdul Wahab. They also had the audacity of trying to place him in the

same rank as ibn Qayyim and Shokaani so that he would look like a clear ghair muqallid in the eyes of the common masses. In fact, some idiots had actually gone so far as to state that he was the actual leader of the ghair muqallids in India. Yes, like certain scholars, there were a few issues in which he made his opinion very clear and obviously, this was taken over by his dis-tractors and more controversy was created through this. However, as we begin to look at his original writings, we will see that he was certainly someone who considered himself a genuine muqallid.

Even though he had written a number of manuscripts, for the sake presenting his real beliefs, we will present excerpts from three books namely, Hujjatul laahul Baalighah, Ghaayatul Insaaf and Aqdul Jayyid. What is important to understand is that the behaviour of Shah saheb was such that even before he left for the Haram shareef, he was a Hanafi and after he returned, he remained a Hanafi muqallid in all of these times. All of his students and family are unanimous in this regard. The famous ghair muqallid, Nawab Siddique Hasan says, “Shah Waliullah made his behaviour very clear that as far as Ijtihadi issues are concerned, he presents these in front of Quran and Sunnah and this is the behaviour of one who is a Hanafi.” Let us now look at the opinion of Shah saheb from one his books Aqdul Jayid in regards to supporting the act of taqleed. He writes in chapter three, “He had chosen steadfastly to remain on one of the four mazhabs and has also prohibited the act of divorcing oneself from any of them.”

The words at the beginning of this chapter are, “Bear in mind that to choose one of these four mazhabs is something based on wisdom and there is great evil in turning away from one of them and we will explain the reasons for this. The first reason is that there is Ijmah of the ummah in this fact that they have relied on the opinion of the past predecessors of Islam. In other words, the Taaba’een have relied on the Ashaab and the Taaba taba’een have relied on the Taaba’een. Another important point to bear in mind is that; the knowledge of the shariah is achieved through two methods. One is from the actual source and the second is from acquiring this from someone else. Obviously, the important point is the actual source (and once this is achieved), then the group after achieves this from the group before. At the same time, it is also important that we understand the manner of the initial people so that by accepting their opinion, we are not guilty of opposing them in their actions.”

The necessity of making taqleed of one of the Imaams has been explained by him in this manner, “The Holy Prophet peace be upon him has made it clear that we should follow the Sawade Azam and since besides the four mazhabs no other groups exist which were based on truth, following (the four mazhabs) would be following the Sawade Azam.”

In the Al Hujjah and the Al Aqd, in both of them, Shah saheb narrates a statement of ibn Hazam Zahiri in which it is mentioned that it is completely haraam to make talqeed and some people have tried to make this look like it is the statement of Shah saheb. In other words, they have also tried to make it look like he is also against taqleed. In fact, they have hidden the fact that Shah saheb had actually refuted this statement and even tried to prove who this statement belonged to. He continues, “the accusation of Ibn Hazam is baseless against that person who solely believes that the words of the Holy Prophet peace be upon him are pure religion and only considered those things as haraam and halal which the Almighty and His Prophet peace be upon him have made halal and haraam. However, since he is unaware of the actual meaning of these words and neither is he aware of the different statements in this regard and neither can he analyse this himself, hence he follows a rightly guided scholar and he believes that he is correct in his word and fatwah”

After making it clear to the common masses that making Ijtihad of the four Imams is Ijmah, he then makes it clear that following a person is clearly permissible. He says, “there is no doubt that the entire ummah or the large majority of the ummah have accepted the following of one of these four mazhabs and their laws as part of Ijmah. At the same time, the wisdom behind following these four groups is also not hidden. Especially in this time when we have really being pushed back. People have also become victims of their nafs and that person who follows his own personal wishes continues to do so.”

In fact, in one place, he actually considers following someone (one of the four Imams) as something which is Divinely inspired. He writes, “In brief, the taqleed of the Aimmah is such a Divine secret which the Almighty has revealed upon the Ummah and He also united them in this whether they understand this or not.” In the Aqdul Jayyid, he narrates from Imam Baghwi and says that, “That (person) who does not possess the qualities of Ijtihad, he has to make taqleed and this is waajib upon him”. He has also mentioned that taqleed was practised from the

time of the Ashaab until the appearance of the four mazhabs and he has also mentioned that no self respecting person has ever refuted this taqleed. He says that if Taqleed was false, people would have objected to it and also refuted it.

In another place, he writes that Taqleed is such a natural phenomena whose permissibility is only unanimously accepted by this ummah and no one else. At the same time, he also writes that everyone has accepted this. The tragedy is that when certain people see these type of statements of Shah saheb, as we have said earlier, the only comment that make is that this was something he had mentioned prior to going to the haram shareef. However, a tragedy for them is that he has also left a writing for us which completely negates this claim. The book Fuyuzul Haramain which is obviously something which he wrote after visiting the haram shareef, hence the name of the book. In this book, he made a very clear and open statement.

At one point in this book he writes, “I became aware of three very important things through the spiritual grace of the Holy Prophet peace be upon him through which I have also changed my opinion about a certain point. Another important thing to remember is that the Holy Prophet peace be upon him gave me advice that I should follow one of the four mazhabs and that I should not divorce myself from them.”

From this point, we clearly come to realize if anything, that after returning from the haram shareef, Shah saheb became an even more staunch supporter of taqleed. Therefore, those who claim to follow him and accept his words, should do the right thing and obey his words and advice. In other words, they should at least become a muqallid like he became one and they should actually accept the same view of Tasawwaf which Shah saheb had mentioned in his books.

They should also stop calling these actions as shirk and bid’ah because they are actually directing this statement at Shah saheb himself. It is shocking that they would continue to accuse the Muslims and Shah saheb of committing shirk and bid’ah and yet they continue to make it public that they accept Shah saheb as one of their leaders. In fact, according to the words of Shah saheb, not only was he commanded to make taqleed of one of the four Imams, he admits that he was also informed about the special quality of Fiqh Hanafi.

He writes further, “The Holy Prophet peace be upon him informed me that the Hanafi mazhab is such a good mazhab compared to others because it is closer and more in keeping with sunnah and this was assimilated and compiled by Imam Bukhari May Allah have mercy on him and his companions.”

As far as common people in India is concerned, Shah saheb has advised them to follow the Hanafi mazhab and has made it clear that it is haraam to divorce oneself from this. In fact, he has also made it clear that to divorce oneself from this is actually divorcing oneself from the folds of Islam. He continues, “It is waajib upon him to follow and make taqleed of the mazhab of Imam Abu Hanifah May Allah have mercy on him and to remove oneself from this mazhab is haraam. The reason for this is because when he does this, then he removes the lock of shariah from around his neck and in this manner, he becomes a useless person.”

Even in the present time, there are many ghair muqallids who still believe that whatever type of muqallid Shah saheb was, he remained a muqallid and that whatever their teachers or elders may have taught them, none of this is true. In fact recently, the Shah Waliullah research under the Ulum Islamiyah Alighar and subsequently in the seminar held in this regard had unanimously agreed that Shah Waliullah was also a victim of false propaganda. They also agreed that if this was the beliefs of Shah saheb why was he a victim of these attacks and in fact, some people in this seminar also separated themselves from him when his true beliefs were mentioned.

However, this is only one side of the story and one of the key factors which we have proven is that indeed he was a muqallid. He used to also practise upon the Hanafi mazhab. Yes, there has also been concerted effort to make it look like he was a different type of muqallid. Whether this is true will be looked at in future pages but at this point, there are two important points to be mentioned.

I. The first is that if Shah saheb did mention words which seemed like he objected to the normal manner of making taqleed, what has this to do with the ghair muqallid? In fact, what he did do was actually go against baseless laws and things which seem to contradict proper taqleed. He mentions, “The zaaheris are those people who refute Qiyas and the words and statements of the Ashaab and the Taaba’een. These would include people like Daud Zaahiri and Ibn Hazm.” In the

Aqdul Jayyid after mentioning the names of Imam Baghwi and Imam Bahiqi May Allah have mercy on them as eminent jurists and muhaddith, he states, “These (muhaditheen and jurists) are certainly completely separate from those Zaaheeri people of hadith who do not accept Qiyas, neither Ijmah. And these people, (the people of hadith belonging the Zaaheeri sect) as also distanced from the past scholars of Hadith and were people who did not pay any attention to the words of the Mujtahideen.”

In fact, Shah saheb has also on a number of places have also commanded people to choose the company of the Muhaditheen who were jurists as well and has also commanded people to follow them and he has also advised that (one should) protect oneself from the ghair muqallid ahle hadith. He mentions further, “(Refrain from the company of) a jahil sufi, a jahil worshipper, those so called jurist who only create difficulty, those ahle hadith who worship only outwardly, those who insult (Islam) and the mutakallimeen. In fact, live as a learned Sufi who refrains from the world and is always looking at the Almighty. Someone who has a lofty status, someone who is attracted to the sunnah. That person who obeys the command of the Holy Prophet peace be upon him and the words of the Ashaab and also translates these words according to the established opinion of the jurists.”

In the At Tafheem he completely divorces himself from the friends of the Zaaheeri cult and from the ghair muqallid sect and mentions, “That person is not from among us who separates himself from those Ulama who are true Sufis and they who have complete knowledge of the Quran and sunnah. Or he refrains from the company of that scholar who is fully aware of the laws of Tasawwaf. Or he refrains from the company of that muhaddith who has a wide and expansive knowledge of fiqh or he refrains from the company of the jurists who always looks at the hadith. As for those who are jaahil sufis and those who refute tasawwaf, both of them are thieves and robbers of religion and one should protect oneself against them.”

From these words, we can clearly see that the statements made on behalf of Shah saheb that he supported idiots like ibn Abdul Wahab or Ismail Dehlwi is certainly false. At the same time, when we see his statements and words, we will find that he used many of those Ulama who were muqallids. Yes, he did mention certain things about them differing in their opinions about certain fiqh issue

among themselves which is a reality. As we have already mentioned in the different categories of Ijtihad, there were those who had the knowledge and the acumen to differ on certain issues but, nevertheless, all of them were muqallids of one of the Imams. Not one of them had ever mentioned that they had divorced themselves from being a muqallid.

When the ghair muqallids saw these words, they suddenly felt that they now had the opportunity to refute the idea of taqleed because even Shah saheb was questioning the idea of difference of opinion. Yet, they actually hid the background to the real discussion. They took some of his words and tried to empower their false opinion about taqleed and tried to use his status to back themselves. Bear in mind that this was a leaderless movement and they were looking for someone famous so that this would give credence to their claim.

Another important point which must be noted as we have already mentioned is that, if these people were brazen enough to alter some of his statements in his books and also falsify some of his words, imagine the number of books they could have written and attributed this to him. We have already proven that from the three books attributed to him none are his books.

Another important point to bear in mind is that these changes to some of his writings were certainly not the work of a single person. We can safely say that this was work of an entire group of people. Therefore, we can safely conclude two things, the first is that certain of his material were changed and secondly, it seemed to have been changed by people who certainly did not agree with Taqleed or Sufism. In other words, these were those people who felt that taqleed and sufism were nothing but new and evil inventions in Islam.

Therefore, it is vitally important that when we look at some of the books which are being circulated around the world which is rumoured to have been written by this person, we should bear in mind the advice which has been given in this article. There is also no doubt that the ghair muqallid has the resources of the rich corrupt Arab countries to completely change whatever they wish and have it mass printed. Hence, all the more reason that we should first make the book into a Sunni and then read this book or article.