TO TAQLEED OR NOT TO TAQLEED

(SOME FALSE ALLEGATIONS AND THEIR CLARIFICATIONS)

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GHAIR MUQALLIDIYAH IFTIRAQ BAINUL MUSLIMEEN

KI EK ALAM GIRI MUHIM

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FOREWORD

All praises are due to Allah, Lord of the Universe, and Salutations be upon Rasulullah (Sallallahu alaihi wa sallam). Allah Ta'ala has preserved this Deen from all discrepancies and throughout time will continue to do so by means of Scholars. Many trials will come and the 'Ulama will provide solutions for, and act against these trails. One great trial today is an ideology and effort which can remove the general masses from the following of authentic Scholarship, whereas this is a command of Allah Ta'ala and something passed down from the first generation of Muslims up until today. Allah Ta'ala says, "O those who believe obey Allah, his Messenger and those of authority amongst you." Sura Nisaa verse 59, Mufassireen have mentioned that this refers to the Scholars (Tafseer Tabari). The Sahaabah followed Rasulullah (Sallallahu alaihi wa sallam), Taabi'een followed the Sahaabah and the Tab' Taabi'een followed the Taabi'een. This chain of Knowledge goes on till today. The 'Ulama have prescribed the complete way of following this Deen after studious and in-depth research of the sources of Shariah, namely the Our'aan, Hadith, Ijmaa' and Oiyaas. This is not something any layman can do, nor is he capable of, or obliged to. They also understood the Deen better as they were closer to the era of Rasulullah (Sallallahu alaihi wa sallam). Every layman cannot involve himself in the in depth and intricate study of all the sciences of Deen, this is why Allah Ta'ala has mentioned in Sura Tawba, Ayah 122 that only a group may take up this task.

We at Darul Uloom New York, in order to keep this pristine *Deen* in its original form, under the supervision of Shaykh Arshad Madani; Teacher of *Hadith* in the great seminary of India, Darul Uloom Deoband and the President of Jamiatul Ulama, have taken the task of translating a number of booklets. The booklets were given to us by the *Shaykh* and translated by the students of the Darul Uloom New York. We hope that this will prove beneficial for the general masses and remove the confusion that has been created.

We are of the opinion that the Ahlus sunnah wal Jama'ah are on the correct path and they comprise of those who follow Authentic Scholarship including the four Imams of Fiqh (Islamic Jurisprudence), namely Imam Abu Hanifahh, Imam Malik, Imam Shafi', and Imam Ahmad bin Hanbal (Rahimahumullah). Although they may differ in many cases, all are correct in their effort to understand, implement, and present deen.

The original articles discuss in details, proof of specific *Masaa'il* that are generally followed by the *Hanafi* School of thought. This work is aimed towards educating the masses of the authenticity of their position and not to creation friction, strife, and debates. As we are human, we are prone to err therefore if anyone were to point out our mistakes, we would be ever grateful. *Inshallah* in the future we plan to reprint them emitting those errors. May Allah *Ta'ala* accept this effort and grant us all the true understanding of *Deen. Aameen*.

TRANSLATOR'S NOTE

All Praise to be to Allah Ta'ala, the Lord of the Universe, the one who created man from clay and perfected his form. And Salutations upon the greatest creation of Allah Ta'ala, Muhammad (Sallallahu 'alaihi wa Sallam), the Seal of the Messengers, and upon all those who follow them with truth in their deeds and words until the Day of Judgment.

If we look back in history to the Golden Age of Islam, we find the success of the *Muslims*, as a whole, was because they were just that, a single entity. They took the *Hadith* of Rasulullah (Sallallahu 'alaihi wa Sallam), "Muslims are like a structure, whose parts strengthen each other." to heart and they strove not for their own gain, but for the betterment of Islam and the *Muslim* population. Today, no explanation or examples need to be given to establish the fact that the once impenetrable fortress known as "Islam" is now no more than ruins of its once grand towers and garrisons. The main concern of a *Muslim* should be to replace these crumbled walls with those which stand tall once more. Yet, throwing this effort to the side, some people insist upon perpetuating the degeneration of these already dilapidated walls. Some work openly and some discreetly. These groups, knowingly or unknowingly, loosen the thread binding together the hearts of the Muslims. This booklet will address some of the issues of such groups.

My teacher, Qari Mufi Hafiz Mujibur Rahman (May the Blessings of Allah Ta'ala be showered upon him for eternity) deputed me to translate this paper. He has also encouraged me and edited possible embarrassing mistakes out of my paper, for which I am indebted to him.

One must note that the objective of this work is not to criticize any one, but to clarify a few points. In my opinion, this book has the capacity to open the eyes of people and direct them to that which they might not have previously perceived. This booklet is an impressive booklet which brings to light the improper tactics implemented by certain groups, by which the *Ummah* is placed into trail. I have done my best to keep the translation, as well as my English, as correct as possible, yet Humans are prone to mistakes. So, please excuse any mistakes found in this article. I implore you to spread this booklet, along with the information found in it, to those you know.

Jazakallahu Khairan wa Ahsan al-Jaza.

Imran Fariad Darul Uloom New York 21th May, 2012

In The Name Of Allah, the Beneficent, the Merciful. We send Praise and Salutations on His Noble Messenger (Sallallahu 'alaihi wa Sallam).

Thereafter,

In this day and age, the *Ummah*¹ is more in need of unity and administration than ever before. Yet, despite this severe need, some mischief makers consider inseminating disunity amongst the Muslims of utmost priority. These people take small *Masaail* ², over exaggerate them, and ultimately misrepresent them to the public in order to perpetuate debates to such an extent that if they were to argue about something being virtuous or not, they would warp the difference into an issue between *Iman* (belief) and *Kufr* (disbelief). In connection to this, a horrendous ideology has gradually crept up and spread throughout the world, within the span of only a couple of years has deceived influential *Ashaab al-Dhwaahir* ³, *Ulama* ⁴, and *Mufti* s ⁵ of Saudi Arabia and has even gained the financial support of the Saudi Government and gone against the general Muslims ⁶, and the '*Ulama* blaming and disputing with them while having no regards for them whatsoever.

The tragedy is that now, under the supervision of the Saudi government, people of this ideology are allowed to give lectures of advice and rectification (which are being given in Urdu) in the *Haramayn* during the months of Ramadan and Hajj. Yet, these lectures are by name only. The main purpose of these speeches are to relay repeated and disputed issues, their evidences and their criticism on the 'Ulama. From these lectures the audience ends up absorbing distaste for the Four *Imams* (R)⁷, especially for Imam⁸ Abu Hanifah (R) and his followers. This hatred ends up penetrating their hearts, and is regularly put on display by the use of disturbing and obscene language.

Evil Conclusion Which Incites Evil

In order to convince the general public, they have adopted this strategy; they

¹ The Entire Muslim Nation.

² Separate judicial rulings.

³ Those who act upon the apparent meaning of Ahadith.

⁴ Scholars of Islamic knowledge.

⁵ An Islamic Scholar whom, by means of in-depth analysis, derives rulings for novel issues.

⁶ Who have been following the understanding Authorative Scholarship which includes the Four Imams in regards to Juristic issues, and the Two Imams Abul Hasan Al Ash'ari, and Abu Mansoor Al Maturidi in terms of Aqeedah, from time immemorial.

⁷ Namely, Imam Abu Hanifa (R) (80 A.H. - 150 A.H.), Imam Malik (R) (93 A.H. - 179 A.H.), Imam Shafi' (R) (150 A.H. -

²⁰⁴ A.H.), and Imam Ahmad ibn al-Hanbal (R) 164 A.H. - 241 A.H.).

⁸ An extremely knowledgeable scholar.

first present a *Hadith* ⁹ and in opposition to it, they bring a statement of Imam Abu Hanifah (R). Then compare both with each other, and come to the conclusion that the *Ahnaaf* ¹⁰ prefer the saying of Imam Abu Hanifah (R) over the *Ahadith* of Rasulullah (Sallallahu 'alaihi wa sallam), whereas this is completely incorrect. No *Hanafi* can accept the sayings of anyone over *Qur'an* and *Sunnah*. The issue is that the *Ahnaaf* rely on the understanding of Imam Abu Hanifah (R) to understand the *Qur'an* and *Sunnah*, and have faith that the views which he adopted from the *Qur'an* and *Sunnah* correspond to their origins (*Qur'an* and *Sunnah*). Imam Abu Hanifah (R) was a very cautious person. He mentions the way he derived and researched *masaail*:

"First, I check the Noble Qur'an, if the *mas'ala* is not found there, I then look at the sayings of Rasulullah (Sallallahu 'alaihi wa sallam). If the *mas'ala* is not mentioned in either, I look to the sayings of the *Sahabah*¹¹ (RA) and after much thought and investigation, I take the sayings of whom I want, and leave the sayings of whom I choose to. I do not give preference to anyone's opinion over the opinion of the *Sahabah* (RA). If the matter exceeds the sayings of the *Sahabah* (RA), I look to Ibrahim Nakh'ee (R), Imam Shatbi (R), Ibn Sireen (R), Hasan Basri (R), 'Ata (R), Saeed Ibn Musayyib (R) (and other names were mentioned). These are people who have done their own *Ijtihad* ¹² to solve masaail. In the same way, I used my own *Ijtihad* to solve the *masaail*." (Tareekh Baghdad with reference in "The Hanafi Figh" 1/22)

It has been made clear that the way Imam Abu Hanifah (R) derived *masaail* is in accordance to *Shariah* ¹³ and the *masaail* in which *Ijtihad* is possible are completely supported by evidence. In regards to those issues which had manifested during the era of *Sahabah* in which a consensus was not achieved, the difference will not be removed until *Qiyamah*. Now, the job of the *Mujtahideen* ¹⁴ is to apply whichever narration seems stronger based on the evidence while not forcing any other *Mujtahid* who is of the same caliber to accept the same position as them. For in reality, each *Mujtahid* has the right to choose any one of the statements he wants and "Every opinion is correct with the possibility of being wrong." Based on this principle, if Imam Abu Hanifah (R), using his vast knowledge, deep insight, and expertise in extracting masaail, prefers one view over another and the ruling emanated from him, then it does not necessitate that when compared with *Hadith*, the saying of Imam

⁹ Most famously known as the sayings, actions and approvals of Rasulullah (Sallallahu 'alaihi wa Sallam).

¹⁰ Those that follow the *Math'hab* (See Footnote 18) and rulings of Imam Abu Hanifa (R).

¹¹ Title given to those who have seen Rasulullah (Sallallahu 'alaihi wa Sallam) and have passed away while in the state of *Iman*. Companions of Rasulullah (Sallallahu 'alaihi wa Sallam)

¹² The act of deriving rulings from Qur'an and the *Ahadith*.

¹³ Islamic laws that are in accordance to Qur'an and Sunnah.

¹⁴ Such a person whom is qualified to do *Ijtihad*. To be qualified for *Ijtihad*, one must attain a substantial amount of knowledge in different knowledges which are mentioned in Hujah Allahi al-Balighah by Shah Waliullah (R).

Abu Hanifah (R) is preferred. This is only a trick played by those who falsely claim to follow Qur'an and Hadith. This ideology has nothing to do with the reality of the matter of Shari'ah or of Imam Abu Hanifah (R).

Why is it Necessary to Follow Only One Imam?

People of this ideology place great emphasis upon this point and pose the question, "When all four *Imams* are correct, why is it necessary to do *Taqleed* ¹⁵ of only one single *Imam*? Why is it not such that I can act upon the ruling of another *Imam* according to ease?"

First of all, one should understand well that following or doing *Taqleed* of a specific *Alim* is not at the status of *Fard al-'Ayn* ¹⁶. Rather, due to the common folk adopting leniency (for their own convenience), negligence, distrust, disunity and dispersion, the Muslim nation for many generations have adopted this practice that for a normal person (as well as those scholars whose skills have not yet reached the level at which one may make *Ijtihad*) the following of one *Imam* is necessary. Owing to the fact that he is not a *Mujtahid*, he is unable to discern the preferred opinion from the unpreferred. Now, whenever he acts in contrary to the *Imam*, then, undoubtedly, some sort of inner desire or inclination would have been the reason, and following one's desires are not permissible in matters pertaining to religion.

So, Tagleed of a specific person is a managerial command and Fard li-ghairi-hi¹⁷, so that the common Muslims, in terms of Math'hab ¹⁸, are saved from dispersion and disunity. An example of this can be found at the time of Sayyidina Uthman bin Affan (RA) when the Sahaba (RA), while choosing from 7 different dialects, came to an agreement to compile the Qur'an in the Quraishi dialect and destroy the remaining Scripts.

Present day experience also shows us, that whomsoever leaves the *Taqleed* of an *Imam* and begins action according to his own wishes will continue following that path until his independence leads him to disbelief, misguidance and complete free will. Some well-known scholars themselves also warned of this dilemma. Generally, the false groups love this lax nature and freshness in their fraudulent deceptions. Thus, the people get involved and entangled in this mindset. Likewise, a similar process begins with those who do not follow one Imam. This is what they proclaim, yet in reality, whether they are true or false, they devote themselves to their own opinions and desires

May Allah (SWT) Save Every Single Muslim From This Confusion. Aameen

¹⁵ The following of one of the Four Imams (R) in regards to Juristic issues.

¹⁶ A ruling which is incumbent upon every individual.

¹⁷ That which is depended upon and that which is necessary because of another reason. For example, *Wudhu* for *Salaah*.

¹⁸ A school of Jurisprudence headed by a *Mujtahid*.

The Correct Purport of "When a Hadith is found to be Sahih¹⁹, it is my Math'hab."

Some very staunchly bring the saying of Imam Abu Hanifah (R), "When a Hadith is found to be Sahih, it is my Math'hab." They establish from this that Imam Abu Hanifah (R) was dishonest. They say, "After he explains a masalah incorrectly 20, Imam Abu Hanifah (R) says that if any hadith comes in opposition to this, then this will be my Math'hab. Yet, in the presence of all these things, his Mugallideen (Followers) disregard these words of guidance and in spite of the Sahih Ahadith presented before them, they latch the rulings of Imam Abu Hanifah (R) to their chests." Now, this situation seems awfully appealing and by hearing this one who does not have much knowledge may harbor ill thoughts in his heart towards the followers on the Hanafi Math'hab. After the dust has fallen, the fact of the matter remains, these people have only produced this whole address in order to perpetuate deception and disaffiliation within the Ummah. This is so because the purport of the saying, "When a Hadith is found to be Sahih..." is not that whenever a Sahih Hadith is found, then one can immediately act upon it. Neither can this be somebodies Math'hab, because there are many Ahadith which are Sahih, yet an inconsistency is found in their subject matter. Therefore, in order to clear these inconsistencies, the Ijtihad of a Mujtahid is needed. In fulfillment of his objective, a Mujtahid gives great consideration to the Abrogator (Nasikh) and the Abrogated (Mansookh), the Sihhah 21 and Du'f 22 of the Hadith as well as the Usool (Principles) of Shariah. A Mujtahid goes through great pains to keep these factors within his view, while at the same time maintaining other facets of this delicate procedure all in order to give one possibility preference over another possibility.

Even one who has negligible experience in the treasures of the *Ahadith* knows that many *Ahadith* are of *Sahih* status, yet have been abrogated. Also, a *Hadith* can be of *Sahih* status, but the entire *Ummah* is in agreement upon not practicing upon the outward and apparent meaning of the *Hadith*. For example, the *Hadith* which portrays the following meaning: "The consumption of those things cooked on a fire breaks one's ablution" (*Tirmizi* 1/34) is a *Hadith* of *Sahih* caliber, yet is abrogated to such an extent that no one applies this *Hadith* in everyday life. Similarly, the narrations concerning the permissibility of *Muta'ah* ²³ are *Sahih*, although they are

¹⁹ A *Hadith* whose narrators are *Thiqah* (Did not commit any major sins nor any undignified acts), *Daabit* (Have preserved the *Hadith* well either by memory or by writing it down), its chain of narration is *Muttasil* (unbroken), it is not *Shath* (Contradict the narrations of a more *Thiqah* person) and is not *Mu'allal* (have any hidden defects)

^{*}It is incorrect to translate *Sahih* as Authentic as this is a specific term among the terminologies of the Science of *Ahadith* which is unique in its definition.

²⁰ The method used has been mentioned previously. (See Page 6 for details)

²¹ The quality of being *Sahih*.

²² The quality of being *Da'eef*.

²³ Temporary marriage contract.

abrogated. (Bukhari 2/606)

Imam Tirmizi has stated in his *Kitab Al-'Ilal*, "In my book, all *Ahadith*, except two, have been acted upon by one era of the *Ummah* or another. The first is in regards to the death penalty for an alcoholic and the second is in regards to the combination of two *Salaah* without a valid excuse." (*Kitab Al-'Ilal* 2/233)

From this, it is established that the purport of the saying of Imam Abu Hanifah (R) does not apply to every single *Hadith*. On the contrary, whenever a *Hadith* is brought forward, it will be placed alongside similar *Ahadith* and compared. Thereafter, the correct position and opinion which presents itself will be accepted as correct. Now, the reason why *Hanafis* have so many different rulings is because according to other proof (*Daleel*), Imam Abu Hanifah (R) was thought to be correct. While in opposition to this if any one *Hadith* is brought then a thorough search will be conducted in order to eliminate the discrepancy, then adjustment will be made accordingly. In this way, the *Hanafi* Scholars act in accordance to the *Usool* of *Shariah* as well as in accordance to the saying of Imam Abu Hanifah (R). This band of people call this course of action against the *Qur'an* and *Sunnah* instead of acknowledging the fact that these accusations stem from their own ignorance and inexperience or only to rouse ill feelings.

Are Sahih Ahadith Only Found in the Sihaah Sittah²⁴ (Six Sahih Books)?

Another propaganda is that, some claim that all *Sahih Hadith* are in the *Sihaah Sittah* or more drastic still, only in *Bukhari*²⁵ and *Muslim*²⁶. If a person were to present a *Hadith* that is not present in these six books which supports his own opinion and opposes their opinion, then instead of accepting he would impudently reject saying "This isn't mentioned in the *Sihaah*." They do this even though this is contrary to the fact of the matter. It is correct to say that many of the *Ahadith* of the *Sihaah* are *Sahih* but it would be incorrect to state that all *Sahih Ahadith* are solely compiled in *Bukhari* and *Muslim* or only in the *Sihaah Sittah*.

Imam Nawawi (R) has written of an incident in the preface of his Explanation of <u>Sahih Muslim</u> that Imam Muslim (R) was once in the presence of Ibn Warah (R) when Ibn Warah (R) spoke to Imam Muslim (R) rebuking him as such, "The *Bid'atis* (Innovators) have seen your book and have received an opportunity thereby to claim that 'All *Sahih Ahadith* are only in *Muslim* and no other *Ahadith* are acceptable'." Upon hearing this Imam Muslim (R) put forward his excuse, saying "Oh Shaikh²⁷! I

²⁴ The 6 Sahih Books of Ahadith, namely Bukhari, Muslim, Tirmizi, Abu Dawud, Nasai, Ibn Majah.

²⁵ Al-Imam al-Hafiz Abu Abdullah Muhammad bin Ismaeel bin Ibrahim bin al-Mughir bin Bardizbah al-Bukhari (R) (194 A.H.- 261 A.H.)

²⁶ Al-Imam al-Hafiz Abu Husain Muslim bin al-Hajjaj bin Muslim al-Qushairi al-Nayshaburi (R) (206 A.H. - 261 A.H.)

²⁷ A Scholar, synonymous with *Alim*.

have compiled this book only saying that these *Ahadith* are *Sahih*. I have not implied that those *Ahadith* I have not placed in this book are all *Da'eef* ²⁸. My only motive was to prepare a batch of *Ahadith* which would be readily available for me as well as for my students. I have done this so they can be relied upon." Thereafter, Ibn Warah (R) accepted his excuse and praised him. (Muqaddimah Nawawi 'ala Muslim/16)

For this reason, saying that all *Sahih Ahadith* are contained in the *Sihaah Sittah* or in *Bukhari* and *Muslim* is absolutely incorrect. Rather, troves of *Sahih Ahadith* can be found in other books of *Ahadith* as well. These *Sahih Ahadith* can be used as proof. If a *Mujtahid* uses these *Ahadith* in order to prove his *Math'hab* as correct, it will surely be accepted.

The Reproach of Da'eef Ahadith

This band of people have a goal to take any Da'eef Hadith as well as a biased saying of a Muhaddith and establish that Hadith as a Sahih Hadith for the acceptance of their incorrect opinion. Yet, if the tables were turned and a Hanafi were to put forward such a Hadith with even only one Da'eef narrator, then that group would turn the sky and earth into a single entity out of anger and rage. A point should be taken into consideration at this juncture. The point being, a Jarh al-Mubham (equivocal criticism) is insufficient for any narrator. Rather, a Jarh al-Mufassal (indepth cross examination) is a must. Also, if after a critical evaluation and thorough analysis the views in regards to a certain narrator still differ, then one sided or biased conclusions will not be taken into consideration and thereby the narrator will not be labeled as Da'eef. The most important aspect in this regard is the examination in order to clarify the time period of the narrator by which the narration has been labeled as Da'eef. Now, if the narrator is of a time period after Imam Abu Hanifah (R), which is the condition of most Da'eef narrations, then it cannot be concluded that from the time prior to Imam Abu Hanifah (R), this Hadith was received by a Da'eef chain. Rather, it is just so possible that all narrations that reached him were reliable as well as acceptable. Thereafter, Imam Abu Hanifah (R) placed the foundation of his Math'hab upon these same Ahadith. For these reasons, the weakness of the Math'hab of Imam Abu Hanifah (R) cannot be established only because of a certain Da'eef narration.

²⁸ That Hadith which does not fulfill all of the conditions of *Sahih*.

Ruling - According to the vast majority of the Muhadditheen, one can practice on a *Da'eef Ahadith* in *Fadail* (Virtues) as long as certain criteria are met which have been explained by Imam Ibn Hajr (R). See the last chapter of Al-Qawl al-Badee' by Imam Sakhawi (R) for details.

^{*}It is not incorrect to translate *Da'eef* as Weak as this is a specific term among the terminologies of the Science of *Hadith* which is unique in its definition.

Why Only Explain Issues Which Have Differences of Opinion?

These people have this viewpoint as well; to speak of a few issues where differences are found in front of unlearned people, thereby labeling the Hanafi Scholars as those who go against the Sunnah with this false propaganda. Question is, "Do Hanafis go against the Sunnah?" or "Do they abhor Sahih Ahadith as they insinuate?" If that is so, then none of their Masaail should be according to Ahadith. Then how is it possible that from the beginning of the Kitab al-Taharah (Book of Cleanliness) until the ending of the Kitab al-Mirath (Inheritance), there are thousands of parts and close to 80-85% of juristic verdicts found therein are in accordance with the apparent text of *Qur'an* and *Ahadith*? So a point to ponder upon here is that when most of the Hanafi rulings are according to the apparent text of Qur'an and Ahadith, what of the rest? Surely, they will have proofs which specify the meaning of the Hadith correctly. Now it is not necessary that the supposed meaning is also acceptable to other Mujtahideen. After Imam Abu Hanifah (R) and the Scholars of his Math'hab fulfilled their responsibility of Ijtihad, if they choose such an opinion which is not in accordance to another opinion, then what mistake have they committed that now war is waged against them? Every Mujtahid has the right to practice upon his own Ijtihad, but he is not permitted to impose his opinion on another person. Also in this day and age, if follower of this group's ideology claims that he has the ability to do General (Mutlaq) Ijtihad, much like students of universities and modern researchers who think that they can also do Ijtihad, we shall have no concern or connection with them. Let them vigorously act upon their Ijtihad and they can also let their followers act upon their Ijtihad. Our grievance is that 99% of the Muslim Ummah have relied upon reliable Scholars for generations and continue to rely upon them even today. So why were they being forced to practice the "so called" Ijtihad of the "so called" scholars? Has everyone in the Ummah prior to these newcomers been in misguidance? Nobody even thought about the scholars' honesty and their own Hereafter? The Qur'an and Ahadith were abandoned, while the statements of scholars were spread out in the Ummah and for centuries, and not a single person was born who could criticize this custom? The responsibility to fulfill this great task was given to this band of people.

In any case, in this day and age, the struggle for disunity and dispersion, *Math'hab* wise, of the *Ummah* is to be condemned. This is the reason for the confusion of the well-wishers of the *Ummah*. If this ideology is not uprooted, there is a possibility – May Allah Ta'aala not let this trivial matter result in this – that this trial will be a means of conflicts, arguments, murder, and bloodshed even within families and between brothers.²⁹

May Allah Protect The Ummah From Disunity, Differences And All Kinds Of Corruption And Tribulation <u>Aameen</u>

²⁹ Unfortunately this has already resulted as is witnessed today in many groups of friends, families, *Masaajid* and many communities.