



# Tagleed Following The Four Imams

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# **TAQLEED FOLLOWING THE FOUR IMAMAS** رضى الله عنهم

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The literal definition of Taqleed is to put on a necklace or strap around the neck'. In Shariah terms, Taqleed is to deem a person's verdict and action to be necessary, according to the Shariah, upon another. This is done in the belief that the former's verdict and action is a proof for us as he is a Shariah Researcher (Muhaqqiq). An example of this is how we deem the verdict and actions of Imam-e-Azam Abu Hanifa رضي الله عنه as verification for us in the rules of Shariah without pursuing its proofs.

The marginal notes of Husaami records from Sharah Mukhtasarui-Manaar, 'Taqleed is when a person obeys another's opinion or action after hearing it without pursuing his proof in the belief that he is amongst the Shariah Researchers (Ahle-Tahqeeq)." (Note: this extract is found in the book, Noorul-Anwaar, in the discussion of Taqleed as well).<sup>1</sup>

Musalamath-thuboot and Imam Ghazali رضي الله عنه in Kitaabul-Mustasfaa, Vol. 2, Pg. 387, also defines Taqleed as the above.

From this definition, it can be concluded that obeying the Holy Prophet صلى الله عليه وسلم cannot be termed Taqleed as his every saying and action is a proof of Shariah. In Taqleed, the Shariah proof is not looked at, which is why we, the Sahaaba and Four Imams رضي الله عنهم are called the ummatis of the Holy Prophet صلى الله عليه وسلم and not those who follow him through Taqleed (Muqallids).

Similarly, the obedience shown by the general Muslim public towards a learned person cannot be called Taqleed as his verdict or action is not deemed as a proof upon us. In this case, he is obeyed in the belief that he is a learned person and has given a verdict after consulting Islamic texts. If his verdict (fatwa) is proven wrong and contrary to them, it will not be accepted. This differs to the verdict of Imam Abu Hanifa رضي الله عنه which is accepted irrespective of whether he deduced a rule after referring to the Hadith, Quran, consensus of the ummat or from his deduction (qiyaas). This difference should be kept in mind.

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<sup>1</sup> Baabu-Mutaabiatur-Rasool, Pg. 86

There are two types of Taqleed,

1. **Taqleed-e-Shar'i** - To follow someone concerning the rules of Shariah, i.e. the following of the Four Imams in rules pertaining to salaah, fasting, Hajj, etc.
2. **Taqleed-e-Ghair-Shar'i** - Following someone in worldly matters, e.g. doctors following Boo Aii Seena in medicine, poets following Daagh Dehlwi, etc in poetry, a person following the prominent craftsmen of his trade, etc. These are all examples of worldly Taqleed.

Although the obedience the pious pay to the *wazeefas* and practices of their Sheikh's sayings and actions is an Islamic Tacleed, it is not a Shariah Tagleed, as they are not following him on rules of Shariah concerning Haraam and Halaal. Yes, the Taqteed they are displaying here is of an Islamic association.

If Tacleed-e-Ghair-Shar'i is against the Shariah then it is Haraam. If not, then it is permissible. Hence, people following the customs of joy or sadness innovated by their forefathers which are against the Shariah are Haraam. Doctors following Boo Ali Seena, etc. in medicinal matters which are not contrary to Islam is permissible.

The Quran has censured the first type of Haraam Taqleed mentioned in the preceding paragraph in several places, addressing those who practice it as well. Allahs ﷻ states,

"And do not follow those whose hearts we have made bereft of our remembrance. Such people have gone after their carnal desires and went overboard."<sup>2</sup>

"And if they try to make you take on a partner with Me in that which you have no knowledge of, do not listen to them."<sup>3</sup>

"And if it is said to them to come towards which Allah ﷻ has revealed and towards His Messenger ﷺ, they will say that

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<sup>2</sup> Surah Kahf, Verse 28

<sup>3</sup> Surah Luqmaan, Verse 15

whatever they found their forefathers on is sufficient for them even though their forefathers knew nothing and were not on the path of salvation." <sup>4</sup>

"And if it is said to them to follow that which Allah ﷻ has revealed, they will say that they will follow whatever they found their forefathers treading on." <sup>5</sup>

These and similar verses have condemned any Taqleed which goes against the Shariah and is in conformity to the Haraam actions of a nation's ignorant predecessors.

These verses have no link to the Taqleed of Shariah and the obedience of the Four Imams. To slander this Taqleed as polytheism or Haraam based on these verses is completely un-Islamic.

### **WHICH RULES MUST TAQLEED OCCUR IN AND IN WHICH NOT?**

*Taqleed-e-Shar'i* has many dimensions to it. Shari'ah rules (masaail) are of three types,

1. Beliefs (Aqaaid).
2. Those laws which are explicitly (sareeh) proven from the Quran and Hadith with *ijtihad* having no weight on them.
3. Those laws which have been deduced from the Quran and Hadith using *ijtihad* as well.

It is not permissible to make Taqleed of any person in Islamic beliefs (aqaa'id). Commentating on "نَصِيحَتُهُمْ غَيْرُ مَنفُوعٍ (هود: ١٠٩)" Tafseer Roohul-Bayaan states, "If we are asked as to how we have accepted the Oneness of Allah ﷻ, His Messengers, etc, we cannot say, "Through the rulings of Imam Abu Hanifa رحمته الله or "Through their proofs found in his book, *Fiqhe-Akbar*," as Taqleed of any person in Islamic beliefs is impermissible."

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<sup>4</sup> Surah Maida, Verse 104

<sup>5</sup> Surah Baqarah, Verse 170

The preface of Shaami, discussing Taqleed, states, "...What we believe) Besides secondary Fiqhi laws (Faree), meaning those beliefs which are compulsory for every Mukallaf (answerable Muslim) to believe in without anyone's Tagleed, the beliefs held by the Ahle-Sunnah wal-Jamaaat, i.e. the Ashaariah and Maaturidiyah."

Tafseer-e-Kabir, discussing (توبه: ٦) **فَأَجْرُهُ حَتَّىٰ يَسْمَعَ كَلِمَةَ اللَّهِ** states, "Taqleed of a person in explicit laws. e.g. the five daily salaah, the units of namaaz, etc, is also not permissible. These are those rules which are proven explicitly from an absolute script of Islamic Law (Nas). Therefore, the ruling and books of Imam Abu Hanifa رضي الله عنه will not be used to support namaaz being fardh, etc. Rather, they are to be substantiated from the Quran and Hadith."

Those rules which have been extracted from the Quran, Hadith or consensus of the Ummah using ijtihaad and the ability of deducing Islamic laws are waajib to make Taqleed on by one who cannot make ijtihaad (ghair mujtahid).

The classification of a rule that requires Taqleed and those which do not should be paid special attention to. At some instances, the refuters of Taqleed (Ghair Muqallids) object by saying, **"When a follower of Taqleed is not allowed to extract rules from Islamic proofs, how can you present Quranic verses and Ahadith to prove salaah, fasting, etc.?"**

The answer to this is that the obligation of salaah, etc. is not from amongst the rules followed under Taqleed.

It is also known from this that besides laws. Taqleed does not occur in History as well, such as on the infidelity of Yazeed.

Similarly, Islamic Jurists presenting proofs from the Quran and Hadith in deduced (qiyaasi) rules is only in corroboration for them. Those rules have already been accepted on the verdict of the Imam.

## UPON WHO IS TAQLEED WAAJIB AND UPON WHO IS IT NOT?

There are two categories of answerable (mukallaf) Muslims,

**1. Mujtahid** (One who is qualified in ijtihaad) - A person who has so much of knowledgeable ability and understanding that he is able to understand Quranic injunctions, the purpose of the kalaam (Divine Scripture), is able to extract rules from it, has complete knowledge over the applicable (naasikh) and inapplicable (mansookh), exceptional linguistic command over Arabic and is well-versed in all Quranic verses and Ahadith of laws. Besides these qualities, he must be intelligent and have a comprehending mind.<sup>6</sup>

**2. Ghair-Mujtahid / Muqallid** - A person who has not reached such a level. Taqleed is necessary for a Ghair-Mujtahid and is not allowed for a Mujtahid.

There are six types of Mujtahids,

**1. Mujtahid fish-Shari** - Those scholars who make rules (qawaaid) to be followed for ijtihaad. e.g. the Four Imams, i.e. Abu Hanifa, Shafee, Maalik and Ahmad ibn Hanbal

**2. Mujtahid fil-Mazhab** - Those scholars who make Taqleed of these rules and deduce fiqhi, shar'i laws (masaail) in light of them, e.g. Imam Abu Yusuf, Muhammad, Ibn Mubarak رحمتهما الله who are the Muqallids of Imam-e-Azam Abu Hanifa رحمتهما الله in these rules but are themselves Mujtahids in masaail.

**3. Mujtahid fil-Masaail** - Those scholars who are Muqallids of both the qawaaid and masaail but can prove, through the Quran, Hadith and other proofs, laws regarding which no elucidation by the Imams can be found, e.g. Imam Tahaawi, Qaazi Khan, Shamsul-A'imma Sarkhasi, etc. رحمتهما الله

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<sup>6</sup> Tafseeraate-Ahmadia, etc.

**4. Ashaabe-Takhreej** - Those scholars who cannot make ijtihaad absolutely. However, they can clarify in detail an abridged ruling of an Imam, e.g. Imam Karkhi رحمته الله عليه.

**5. Ashaabe-Tarjeeh** - Those scholars who can preponderate a particular ruling from several other narrated rulings of the Imam regarding a single matter. Meaning, if in a certain rule there are two narrated verdicts of Imam Abu Hanifa رحمته الله عليه these scholars can give tarjeeh of a certain one. Similarly, when there is a difference in ruling between Imam Abu Hanifa and the Saahibain (Imam Abu Yusuf and Imam Muhammad رحمته الله عليه), they can give tarjeeh to the ruling they deem fit, e.g. the authors of Qudoori and Hidaaya.

**6. Ashaabe-Tameez** - Those scholars who can differentiate between the general ruling and uncommon narrations, as well as between the weak, stronger and strongest verdict, so as to act upon the reliable one and not on unfamiliar and weak narrations of verdict, e.g. the authors of Kanzud-Daqaaiq and Durre-Mukhtaar, etc.

Any person who does not possess any of the above-mentioned six qualities is a Muqallid-e-Mehz (one who absolutely has to make Taqleed), e.g. ordinary people like you and me, the general Ulama who are only to research rules in the religious books and convey them to the masses.

It is Haraam for a Mujtahid to make Taqleed. Thus, the Mujtahid belonging to a particular level of the six will not make Taqleed of those equal to his level.

However, such a scholar will be a Muqallid of those Mujtahids above his rank, e.g. Imam Abu Yusuf and Imam Muhammad رحمته الله عليه who are the Muqallids of Imam-e-Azam Abu Hanifa رحمته الله عليه in principles (usool) and qawaail but are not Muqallids to him in masaail.

## OBJECTION

**When Imam Abu Yusuf and Imam Muhammad رحمته الله عليه are both Muqallids of Imam Abu Hanifa رحمته الله عليه why do they differ with him in several places? - Ghair-Mudallids**

**Answer** - They are his Muqallids in principles (usool) and rules (qawaa'id) and do not differ with him in these things. However, they are Mujtahids themselves and are not anybody's Muqallids in laws (masaa'il) Thus, they are able to differ with Imam Abu Hanifa رضي الله عنه infuroo 'i masaa'il.

### OBJECTION

**Hanafis give many verdicts of rules (masaa'il) according to the rulings of the Saahibain, leaving out the ruling of Imam Abu Hanifa c. How then can they be called Hanafis? - Ghair-Muqallids**

**Answer** - Amongst some Jurists are Ashaabe-Tarjeeh who preponderate a particular ruling from several others, so the ruling we find to have been preferred by them is the one on which we issue fatwas.

### OBJECTION

**Instead of calling yourselves Hanafi, you should call yourselves Yusufi, Muhammadi or Ibn Mubaaraki because in several places their ruling is adopted over the ruling of Imam Abu Hanifa رضي الله عنه - Ghair-Muqallids**

**Answer** - Adopting any ruling of Imam Abu Yusuf, Imam Muhammad or Imam Ibn Mubaarak رضي الله عنه is, in fact, taking the verdict of Imam Abu Hanifa رضي الله عنه as all of their rulings are based on his principles (usool) and rules (qawaa'id), just as how acting upon the Hadith is, in fact, acting upon the Quran. as Allah سبحانه وتعالى has ordered doing so.

Imam Abu Hanifa رضي الله عنه, states, "If any hadith is proven to be *sahih*, then that is my way (mazhab)." Therefore, if any Mujtahid fil-Mazhab finds a Sahih Hadith and acts upon it, he does not become a Ghair-Muqallid. He remains a Hanafi because he acted upon the Hadith in light of the principle set by the Imam رضي الله عنه. This discussion can be pursued further in the preface of the book Shaami, under the extract "Izaa Sahal-Hadith Fahuwa Muzhabi".

This saying of Imam Abu Hanifa رضي الله عنه can also mean that when a Hadith was proven to be Sahih (sound), it became his mazhab. Meaning, he had researched and critically analyzed

every rule and Hadith and then chose it. Imam Abu Hanifa رضي الله عنه used to tirelessly research each rule (mas'ala) himself and then have a scholarly discussion about it with his Mujtahid students. Only after this did he accept it.

Some Ghair-Muqallids claim to have the ability to make ijtihaad. Thus, they do not have to make Taqleed of any one.

A lengthy argument is not needed for this. Showing how much of knowledge is necessary for ijtihaad and whether these claimants possess this type of knowledge or not is sufficient to silence them.

Hadrat Imam Raazi, Imam Ghazali, Imam Tirmidhi, Imam Abu Dawood, Huzoor Ghouse-Paak, Hadrat Bayazeed Bustaami, Shah Bahaaul-Haqq Naqshbandi, etc. رضي الله عنه are all exemplary and noted Ulama and Mashaaiikh of Islam. However, none of them were Mujtahids, but were Muqallids of Imam Abu Hanifa, Imam Shafee, Imam Maalik and Imam Hambal رضي الله عنه. Who in these times possess the ability and knowledge of such celebrated individuals? When their knowledge was not sufficient for them to become Mujtahids, how can those who do not even have the ability to pronounce the names of books of Hadith correctly be endowed with the quality of a Mujtahid?

Once, a certain individual claimed to be able to make ijtihaad. I asked him how many rules he could deduce from Surah Takaasur and what are *Haqeeqat*, *Majaaz*, *Sareeh*, *Kinaayah*, *Zaahir* and *Nas* (all terms found in the Principles of Fiqh). The poor gentleman had heard these basic terms for the first time in his life.

### **PROOFS THAT VERIFY TAQLEED AS OBLIGATORY (WAAJIB)**

I shall divide this chapter into two sections. The first will contain proofs which completely establish Taqleed while the other will prove Taqleed-e-Shakhsi.

## SECTION 1

Taqleed being waajib is proven from Quranic verses, Sahih Ahadith, the practice (amal) of the Ummah and rulings of the Mufasireen (Commentators of the Holy Quran). Proof of either absolutely making Taqleed or the Taqleed of Mujtahids follows,

### 1. "Guide us on the straight path, the path of those You have favoured."<sup>7</sup>

This ayat clearly states that the Siraate-Mustaqeern (Right path) is only that path treaded on by the virtuous servants of Allah ﷺ - the Mufasireen, Muhaditheen. Fuqahaa, Aalin of Allah ﷺ Ghaus, Qutub, Abdaal and pious Bandas of Allah ﷺ were all Muqallids. Therefore, making Taqleed is the straight path. None of them was a Ghair-Muqallid, as a Ghair-Muqallid is defined as a person who is not a Mujtahid and who does not make Taqleed. A Mujtahid who does not make Taqleed is not a Ghair-Muqallid because it is prohibited for him to make Taqleed.

### 2. "Allah ﷻ does not burden a person more than his ability."<sup>8</sup>

When the Almighty ﷻ does not burden a person with more than he his capable of, then making a person who cannot make ijtihaad and deduce laws from the Quran, Hadith, etc to do so is placing a burden on him greater than his capacity. Hence, when Allah ﷻ does not burden a person more than his capacity, Taqleed is definitely allowed for those who cannot make ijtihaad. If Zakaat and Hajj is not obligatory on a destitute Muslim, why then does deducing laws become necessary on those without knowledge to extract them?

### 3. "And Allah ﷻ is pleased with the first and latter migrators (Muhaajireen) and Ansaar as well as those who follow them in goodness. They are also content with Him."<sup>9</sup>

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<sup>7</sup> Surah Fatiha, Verse 6-7

<sup>8</sup> Surah Baqarah, Verse 286

<sup>9</sup> Surah Tauba, Verse 100

Meaning Allah ﷻ is pleased with those who follow (itibaa), i.e. those who make Taqleed of the Muhaajireen and Ansaar This is a further proof of the validity of Taqleed.

**4. "Obey Allah ﷻ and obey His Messenger ﷺ and those of you who have authority." <sup>10</sup>**

This verse orders obedience to be made of three.

1. Allah ﷻ
2. Rasoolullah ﷺ
3. And the people of *Amr* (the Learned in Islamic Jurisprudence).

The word atee'u has been used twice, once for Allah ﷻ and the other for both His Rasool ﷺ and those who have authority. The wisdom behind this is that we are only to make ataa 'at of Allah's command, not to act upon His actions and silence in matters. He grants the disbelievers sustenance and they are seemingly given victory in battles on occasion. They perform infidelity but He does not punish them immediately. These are Allah's ﷻ actions but we cannot follow them Thus, we are not to aid the disbelievers.

This is in contrast to the Holy Prophet ﷺ and Mujtahid Imams. Their every action, order or silence (when seeing someone perpetrate a certain action) can all be followed. The word atee'u has been used twice to demonstrate this very difference.

Some may contend that people of authority' here means Islamic rulers. It should be bared in mind however, that the Islamic Rulers are only to be obeyed in orders that are in conformity to the Shariah and not in orders against it. Islamic rulers gain perspective of these Shariah orders from the Learned and Mujtahids. Therefore, the Jurists are truly those who formulate the orders while the rulers merely impose them. The ruler is the authority of the general masses but the authority of the ruler is the Mujtahid Imam.

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<sup>10</sup> Surah Nisaa, Verse 59

The result of this is that the Ulama-e-Mujtahideen is what is meant by the 'people of authority'. Even if Islamic rulers are considered as the definition, still too will Taqleed be proven - not of the Learned but of at least the ruler. It should also be remembered that *ataa* 'at here stands for obedience in Shariah.

Another point that arises from this verse is that there are three types of laws,

1. Laws explicitly proven from the Quran, e.g. the iddat of a non-pregnant widow being 4 months, 10 days. This law is related to obedience to Allah ﷻ (Atee'ullah).
2. Laws explicitly proven from the Hadith, e.g. it being Haraam for men to wear jewelry made from gold and silver. This law is related to obedience to His Rasool ﷺ (Atee'ur-Rasool).
3. Laws which are not explicitly proven from the Quran or Hadith, e.g. the absolute prohibition of performing sodomy with women. This law is related to Uolul-Amri Minkum.

#### **5. "Ask the learned if you do not know." <sup>11</sup>**

From this ayat, it can be deduced that the person who does not know a particular law should ask the Learned about it. Laws from ijtihaad, which we do not have the ability to deduce, are to be ascertained through the Mujtahids. Some contend that historical events are specifically meant in this verse light of what precedes it. This is incorrect because the words of the verse are absolute (mutlaq) and the reason for enquiring and asking is not knowing. So, it is necessary to enquire about those matters which we do not know.

#### **6. "Follow the path of the person who turned towards Me." <sup>12</sup>**

It is ascertained from this verse that the following (Taqleed) of those who turned towards Allah ﷻ is necessary. This law is also general (aam) as there is no specification in the verse.

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<sup>11</sup> Surah Nahl, Verse 43

<sup>12</sup> Surah Luqmaan, Verse 15

**7. "And those who submit, "O our Lord! Grant us the coolness of eyes from our spouses and children and make us the leaders of the virtuous."<sup>13</sup>**

Tafseer Mualimut-Tanzeel commentates on this verse, "So that we can follow the pious and they can follow us." This ayat also proves that the Taqleed and following of the virtuous servants of Allah ﷺ is necessary.

**8. "And why should a congregation from their every group not venture out to attain the understanding of the deen and return to inspire the people in the hope that they be saved."<sup>14</sup>**

It can be understood from this verse that it is not necessary for every person to become a Mujtahid. Rather, some should become Jurists while others should make Taqleed.

**9. "And if they had to refer it to the Messenger ﷺ the people of authority, they would definitely know its reality through those who have the ability to deduce."<sup>15</sup>**

This clearly proves that the Ahadith, Narrations (Akhbaar) and Quranic Verses should firstly be placed before those Aalims who have the ability to deduce. Thereafter, practice must be made according to their rulings.

**10. "That Day on which every congregation will be called with their Imam (Leader)."<sup>16</sup>**

Tafseer Roohul-Bayaan states in this ayat's annotation, "Or, 'Imam' here means religious leader. Hence, it will be said on the Day of Qiyaamat, "O Hanafi. O Shafee."

From this, it is known that on the Day of Qiyaamat, every person will be called with his or her respective Imam. It will be said, "O Hanafis, O Shafees, O Maalikis, O Hambalis! Come." But with who will those who did not prescribe to any Imam be

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<sup>13</sup> Surah Furqaan, Verse 74

<sup>14</sup> Surah Tauba, Verse 122

<sup>15</sup> Surah Nisaa, Verse 83

<sup>16</sup> Surah Bani Israel, Verse 71

called? Regarding this, the exalted *Sufiya* state that Shaitaan is the Imam of a person who does not have any Imam.

**11. "When it is said to them to bring imaan like how these sincere Muslims have brought Imaan, they say, "Must we bring Imaan like how those ignorant people have brought Imaan?"<sup>17</sup>**

This proves that only the Imaan which is in conformity to that of the Pious (Saaliheen) is reliable. Therefore, only that muzhab which is in accordance to the pious is correct - and that muzhab is Taqleed.

**VERDICTS OF THE MUFASSIREEN  
AND MUHADDITHEEN**

Daarimi states, "Explaining 'Uolul-Amri Minkum', Ataa is reported to have said, "Uolul-Amr are those blessed with the knowledge of Fiqh." (i.e. we are to follow them)<sup>18</sup>

Regarding the ayat **فَسْئَلُوا أَهْلَ الذِّكْرِ**

Tafseer Khaazin states, "Ask those believers who are Aalims possessing knowledge of the Quran."

Tafseer Durre-Mansoor further states in the commentary of this verse. "Hadrat Anas رضي الله عنه narrates that he heard the Holy Prophet صلى الله عليه وسلم state: "Some people perform salaah, fast, perform Hajj and even fight in Jihad though they are Hypocrites (Munaafiqs)." When it was asked. "Ya Rasoolallah صلى الله عليه وسلم! Through what were they infiltrated with hypocrisy?" The Prophet صلى الله عليه وسلم explained, "Through rebuking their Imam." When he was asked concerning who their Imam was, he replied, "Allah عز وجل states, "Ask those who know if you do not."

Commenting on the verse of Surah Kahf, **وَأَذْكُرْ رَبَّكَ إِذَا أَنْسَيْتَ (كاف: ٢٨)** Tafseer Saawi states, "Taqleed of anybody or anything besides the four muzhabs is not permissible even though it may seem to be in conformity to the verdict of the Sahaaba رضي الله عنهم a Sahih Hadith or a Quranic verse. Anybody who separates himself from these four

<sup>17</sup> Surah Baqarah, Verse 13

<sup>18</sup> Baabul-Iqtidaa bil- Ulama

muzhabs is astray and leads others astray as well, because to take only the visible meaning of the Quran and Hadith is the root of infidelity

### **AHADITH REGARDING TAQLEED**

Muslim Sharif states, "Hadrat Tameen Daari رضي الله عنه reports that the Holy Prophet صلى الله عليه وسلم has said, "The deen is well-wishing." When we asked regarding who this is for, he replied, "For Allah عز وجل. His Book and Rasool صلى الله عليه وسلم for the Imams of the Muslims and for the general body of believers" <sup>19</sup>

Imam Nawawi writes in the annotation of the above hadith "This Hadith includes those Imams who are Aalims of the deen 'Well-wishing for the Aalims' means that their narrations of Hadith are to be accepted, Taqleed in their laws is to be made and they are to be thought good of."

### **SECTION 2**

#### **TAQLEED-E-SHAKHSI**

The Holy Prophet صلى الله عليه وسلم has said, "While you are agreed upon obedience to one person, if someone who wishes to break your stick (i.e. unity) and group comes to you, kill him." <sup>20</sup>

Imams and Ulama of Islam are meant here, because obedience to the ruler of the time in that which is against the Shariah is impermissible.

Imam Muslim رضي الله عنه has collected a chapter under Kitaabul-Imaarah and named it as follows, "Obedience to the Leader (Ameer) is compulsory in that which is not a sin or wrong."

It can be concluded from this that the following (ataa'at) of only one person is necessary.

Hadrat Abu Musa Ash'ari estates about Hadrat Ibn Mas'ood رضي الله عنه "Do not ask me about your laws and questions until you have this noted scholar amongst you." <sup>21</sup>

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<sup>19</sup> Vol. 1, Pg. 54

<sup>20</sup> Mishkaat. Kitaabul-Imaarah with ref to Muslim

From this, it is ascertained that obedience to a less accomplished person should not be made if there is a more accomplished individual available. Verily the respective Imam of each Muqallid is more accomplished in their sight.

Fat'hul-Qadeer states, "If a person in charge of the governance of Muslims appoints someone over them knowing that there is someone amongst the Muslims more worthy and knowledgeable of the Quran and Hadith, he has breached the trust of Allah ﷻ, His Rasool ﷺ and the general body of Muslims."

The Holy Prophet ﷺ is reported to have said, "The person who dies and does not have the allegiance (bai'at) of someone around his neck has experienced the death of ignorance."<sup>22</sup>

Allegiance to both an Imam (i.e. Taqleed) and the *Auliya* are included in this. Otherwise, which Sultaan's allegiance have these Wahabis of India and other parts of the world sworn to?

These are a few Ayats and Ahadith. There are others besides these that can also be produced, but we present only the above in brevity.

When we look towards the practice (amal) of the Ummah, we find that from the ear of the Taba-Taba'een until now, the entire Ummah has and is practicing Taqleed, meaning those who are not Mujtahids themselves make Taqleed of a single Mujtahid. To practice upon the consensus (ijmaa) of the Ummah is proven from the Quran and Hadith and is necessary. The Holy Quran states,

"And We shall forsake the person who goes against the Messenger ﷺ even though Truth has become apparent to him, and who travels a path separate from the Muslims in his own deplorable condition. We shall also throw him in the labyrinths of Jahannam and verily, it is a bad place of return."<sup>23</sup>

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<sup>21</sup> Mishkaat, Kitaabul-Buyoo, Baabul-Faraaidh with ref to Bukhari

<sup>22</sup> Mishkaat, Kitaabul-Imarah, Section 1

<sup>23</sup> Surah Nisaa, Verse 115

This verse proves that to choose the path of the general Muslim body is fardh, and indeed Muslims have ijmaa on Taqleed.

The Prophet ﷺ is narrated to have said, "Follow the accomplished and major group because the person who separates himself from the congregation of Muslims will be identified and sent to Jahannam." <sup>24</sup>

Another hadith states. "Whatever is deemed good by Muslims is good in the sight of Allah ﷻ as well."

Therefore, in the past and even today, Muslims regard Taqleed-e-Shakhsi as good and are followers of it. Taqleed-e-Shakhsi is practiced by Arabs and non-Arabs the world over, our present time included.

The person who becomes a Ghair-Muqallid becomes a refuter of the concept of Consensus (Ijmaa). Without Ijmaa, how can you substantiate the Caliphate of Hadrat Abu Bakr Siddique رضي الله عنه and Hadrat Umar Farooq-e-Aazam رضي الله عنه? Their respective positions are proven only from the consensus of the Ummah, to the extent that the person who rejects either one is a kaafir. <sup>25</sup>

Taqleed is proven by the very same consensus of the Ummah.

Discussing the ayat "وَتَوَدُّونَا مَعَ الصَّادِقِينَ (توبه: 119)" Tafseer-e-Khaazin narrates that Hadrat Abu Bakr Siddique رضي الله عنه said to the Ansaar "The Quran has classified the Migrants (Muhaajireen) to be truthful and has ordered that we be with the truthful. Therefore, you should not establish a separate caliphate. Remain with us." [www.ziaetaiba.com](http://www.ziaetaiba.com)

Similarly, I would like to say to the Ghair-Muqallids, "The truthful have made Taqleed. You be with them too and become Muqallids."

<sup>24</sup> Miskhaat, Baabul-l'tisaam bil-Kitaab was-Sunnah

<sup>25</sup> Shaami, etc.

## RATIONAL PROOF

No person in this world can complete any trade or become established in any field without following someone else. In skills and knowledge, we have to follow the rules of the masters and leaders of their respective fields. The affairs of the deen are far more elaborate than worldly affairs. Hence, we have to follow those who are leaders and masters in this field as well.

Taqleed can also be found in Ilme-Hadith (The Science of Hadith), e.g. a certain Hadith is of a weak narration (zaeef) because Imam Bukhari رحمته الله has classified a certain Muhaddith or Narrator (Raawi) to be weak. Accepting his classification is Taqleed.

Taqleed further occurs in the Science of Recitation of the Holy Quran e.g. a verse is read in a particular manner because a certain Qaari has recited it so. Thus, Taqleed occurs in the ayats and vowel points (i'raab) of the Holy Quran as well.

When namaaz is performed in jamaat, the followers make the Taqleed of the imam.

All Muslims make the Taqleed of a single ruler in an Islamic state.

In short, a human is a follower of Taqleed in every affair, and it should be bared in mind that in all these cases, Taqleed-e-Shakhsi occurs. When the imam for namaaz is not two and the Islamic ruler is not two, how can the Imam of Shariah be appointed as two?

A Hadith states, "When you are three people traveling, make one your leader."<sup>26</sup>

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<sup>26</sup> Mishkaat, Kitaabul-Jihaad, Baabul-Aadaabish-Safar

## OBJECTIONS & ANSWERS TO TAQLEED

### OBJECTION 1

**If Taqleed was necessary, why didn't any of the Sahaaba رضي الله عنهم practise it?**

**Answer** — The Sahaaba رضي الله عنهم had no need for Taqleed because through the blessing of the companionship of the Holy Prophet صلى الله عليه وسلم, they are the Imams and Leaders of the Muslims. Imam-e-Aazam Abu Hanifa رحمته الله Imam Shafee, etc. all follow the illustrious Sahaaba رضي الله عنهم Rasoolullah صلى الله عليه وسلم has said, "My Sahaaba رضي الله عنهم are like stars. Whichever one you follow, you will attain salvation," and "Regard my sunnat and that of my righteous Khulafaa as necessary to be followed."<sup>27</sup>

This question is like saying, "We are not from anyone's Ummat because the Prophet صلى الله عليه وسلم was not from anyone's Ummat himself. Not being of an Ummat is the sunnat of the Holy Prophet صلى الله عليه وسلم." The answer to this is that Rasoolullah صلى الله عليه وسلم was a Prophet himself, so how could he be of anybody's Ummat? On the contrary, it is necessary for us to be Ummatis. In the same way, the Sahaaba رضي الله عنهم are the Imams of all Muslims, so how can anybody be their Imam?

Only those who are far from the Imam in salaah make their namaaz on the voice of the Mukabbireen. People standing in the first row have no need for the Mukabbireen because they can clearly hear the voice of the Imam.

Therefore, figuratively speaking, the Sahaaba رضي الله عنهم were the followers (muqtadis) of the first row and directly gained guidance from the Holy Prophet صلى الله عليه وسلم. There is no need for them to now seek guidance from another source.

Rasoolullah صلى الله عليه وسلم can be likened to the ocean of mercy. The river that joined his sea of grace through Imam Abu Hanifa came to be known as the Hanafi muzhab, the river that joined through Imam Maalik رحمته الله became known as the Maaliki muzhab, etc. The water of these rivers are all one and have one source, but their

<sup>27</sup> Mishkaat. Baabu Fadhaailis-Sahaaba

names are different. We need these rivers, not the Sahaaba رضي الله عنهم just as how the chain of narrators (isnaad) in a hadith are for us, not for the Sahaaba رضي الله عنهم.

### OBJECTION 2

**The Quran and Hadith are sufficient to guide us. What need is there for Fiqh (Islamic Jurisprudence) when they are the source for everything? The Holy Quran states, "There is nothing wet or dry not written in this clear book," and "And We have indeed made the Quran easy for memorizing. So is there anyone to remember it?" It is apparent from these verses that the Quran contains everything and has been made for everybody. Why should we go to the Mujtahids?**

**Answer** - Indeed the Quran and Hadith is sufficient for guidance and encompasses everything. However, we should also have the ability to extract rules from them. The sea contains pearls but we need of divers to bring them up. Similarly. the Imams are the ones who dive into the vast ocean of Quran and Hadith and bring up pearls in the form of laws (masaail). Everything is written in books of medicine, but it is necessary for us to go to doctors and acquire prescriptions from them. The Imams of deen are these doctors. In the second Quranic verse cited, Allah ﷻ states that He has made the Quran easy for memorizing. He did not say that it was made easy for extracting laws. If deducing laws was simple, what need would there be for Hadith? If the Holy Quran encompasses everything and is also easy (to learn from), what need was there for a Prophet to come and teach it to us? The Holy Quran also states, "And this Nabi ﷺ teaches them the book of Allah ﷻ and wisdom." The Quran and Hadith are spiritual medicine while the Imam is the spiritual doctor.

### OBJECTION 3

**The Quran has censored those who make Taqleed by saying, "They made their priests and saints gods besides Allah ﷻ" "Then if you quarrel over a certain matter, turn towards Allah ﷻ and the Messenger ﷺ," "And this is my straight path. So travel on it, not on other paths which will**

separate you from the (straight) path," and "They will say, "We will be on the path we found our forefathers on."

These verses and others like them prove that acting on the sayings of the Imams when faced with the order of Allah ﷻ and the Rasool ﷺ is the practice of the non-Muslims. Also, there is only one straight path. These four paths (Hanafi, Shafee, etc.) are all crooked paths.

**Answer** - I have already discussed the particular case of Taqleed which the Holy Quran has censored in the first chapter. The 'other paths' mentioned in the third cited verse refers to the path of the Jews, Christians, etc (i.e. other paths contrary to Islam). Hanafi, Shafee, etc. are not different paths. Figuratively speaking, they are likened to streams leading to rivers towards an ocean. Paths become different when beliefs are changed, and the beliefs of the four muzhabs are all the same. It is only in practices and Islamic rules that they differ, just as how the Sahaaba رضي الله عنهم had different views on certain Islamic rules of Fiqh themselves.

#### OBJECTION 4

**In Taqleed, a person makes someone besides Allah ﷻ the decider and this is polytheism (shirk). Hence, Taqleed is shirk. Allah ﷻ states, "Judgement belongs to Allah ﷻ alone."**

**Answer** - If taking someone besides Allah ﷻ as the decider is associating partners to Him, then accepting the Hadith will also be shirk. Also, the Muhadditheen and Mufasireen will become polytheists because Imam Tirmidhi, Imam Muslim, Imam Abu Dawood, etc. رضي الله عنهم were all followers of the Imams (Muqallids) and Imam Bukhari, etc. رضي الله عنهم students of Muqallids.<sup>28</sup>

Any Hadith that has an open transgressor as a narrator causes it to become zaeef (of weak narration) or mauzoo (fabricated). So if a Muqallid enters the chain of narrators then, according to the above, a mushrik has infiltrated it and the Hadith

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<sup>28</sup> Refer to Aini, the annotation of Bukhari

will be rejected. If this is the case, the narrations of Imam Tirmidhi, Imam Abu Dawood, etc. رضي الله عنه are all rejected because they were Muqallids and "Mushriks". So too do the traditions of Imam Bukhari, etc. رضي الله عنه become rejected as they were the students of Muqallids. Where are we to take Ahadith from now?

The Holy Quran states, "And if you fear a dispute occurring between the husband and wife, send an arbitrator (Hakm) from the husband's side and an arbitrator from the wife's."

Hadrat Ali رضي الله عنه and Hadrat Ameer Mu'awiya رضي الله عنه appointed a decider (Hakm) in the Battle of Siffeen, and even Rasoolullah صلى الله عليه وسلم himself appointed Hadrat Sa'ad ibn Muaz رضي الله عنه as the judge over the case of the Banu Quraizah. The correct sense of the Quranic verse is that true judgement and rule belongs to Allah سبحانه وتعالى alone, and all other rules and judgement, whether from the Aalims, Mashaikmor Ahadith, are all indirectly His. If the verse meant that accepting a judgement besides Allah's سبحانه وتعالى is polytheism, then today the entire population of the world. Who all accept the judgments of courts and judges, will become polytheists.

### OBJECTION 5

**The juristic reasoning (qiyaas) of a Mujtahid is a presumption (zann), and to make presumptions is a sin. The Holy Quran states, "O People who believe! Save yourselves from many zann. Verily, some presumptions become sins, and do not look for faults and do not backbite between one another." Thus, only the Quran and Sunnah should be acted upon in Islam.**

**Answer** - This question will be answered in the conclusion of this discussion by explaining what qiyaas is and what its commands are.

### OBJECTION 6

**Imam Abu Hanifa رضي الله عنه states, "Whenever a Hadith is proven to be sound (Sahih), that is my muzhab." Therefore, after finding his verdict to be against the Hadith, we (those against Taqleed) have left it out.**

**Answer** - Undoubtedly, Imam Abu Hanifa رضي الله عنه states. "If opinion goes against a Sahih Hadith, then acting upon the Hadith is my

way (muzhab)." This proves the unquestionable piety possessed by the great Imam, because deduction (qiyaas) of a Mujtahid occurs only where there is no dictated text (nas), such as the Holy Quran and Hadith. However, in our age, is there a Muhaddith who has complete knowledge of all Hadith and their Chains of Narrators? Such a person who also knows every Hadith upon which the rulings of Imam Abu Hanifa رضي الله عنه are based? Our knowledge does not properly encompass even the six major compilations of Hadith (Bukhari, Muslim, Tirmidhi, Abu Dawood, Nasaa'i and Ibn Majah). How then can we ascertain which Hadith a particular ruling of the Imam has been extracted from? A Hadith also states. "Whenever any of my Hadith reaches you, place it against the Book of Allah قرآن. If it is in conformity to the Divine Text, then accept it. If it is contrary to it, then do not take it." <sup>29</sup>

So just as how the saying of the Chakraalwis (those who reject the legality of the Hadith) is baseless ("We do not accept the Hadith because many of it are against the Quran. For example, the Quran states that the estate of the deceased is to be distributed while the Hadith states that the estate of a Prophet is not inherited."), so too is your objection baseless.

### OBJECTION 7

**Imam Abu Hanifa رضي الله عنه did not have knowledge of Hadith. That is why there are very few narrations from him, and whatever traditions he did narrate are all of weak narration (zaeef).**

**Answer** - Imam Abu Hanifa رضي الله عنه was a celebrated Muhaddith. Without having knowledge of Hadith, how is it possible for him to extract so many laws? His prowess in the Science of Hadith is apparent in his book. *Musnad Abu Hanifa*, and from the work of Imam Muhammad رضي الله عنه *Mu'atta Imam Muhammad*. Narrations by Sayyiduna Abu Bakr Siddique رضي الله عنه are found to be few, so does this mean, that he was also not a Muhaddith? Caution and care is the reason for the minimum amount of narrations. The narrations

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<sup>29</sup> Introduction of Tafseeraate-Ahmadiya, Pg.4

of Imam Abu Hanifa رضي الله عنه are all Sahih as his time was very close to the Holy Prophet's صلى الله عليه وسلم. After his era, some traditions gained weakness. This weakness has no consequence on the Imam, because the chain of narrators only gained weakness after progressing beyond him.

### OBJECTION 8

How can you say that all four muzhabs are correct (haqq) when only one can be so? The Hanafi muzhab rules that reciting Surah Fatiha behind an Imam in Salaah is Makrooh Tahrimi while the Shafee muzhab states that it is Waajib. How can both rulings be correct?

**Answer** - The meaning of 'haqq' here does not mean 'correct', but that if you follow any of the four muzhabs, you will not be rebuked by Allah ﷻ because the erring and mistake of a Mujtahid is forgiven. War took place between Hadrat Ameer Mu'awiya رضي الله عنه and Hadrat Ali رضي الله عنه and also between Hadrat Sayyidah Aisha رضي الله عنها and Hadrat Ali رضي الله عنه. Only one of them was on Haqq but both were said to be so, i.e. none of them will be reproached by Allah ﷻ. A person who is lost in the jungle does not know the direction of the qibla. Through his opinion, he faces a certain direction for namaaz but changes his direction whilst reading due to a change in his reasoning. The qibla is only one but the namaaz is valid because [in this case] all four directions are correct. Even if a Mujtahid makes a mistake, still too does he attain one thawaab. The Holy Quran speaks about the error in judgement of Hadrat Dawud عليه السلام and the correct verdict of Hadrat Sulaiman عليه السلام. It did not rebuke any of them, but said, **”وَكَلَّا اتَيْنَا حُكْمًا وَعَلَّمْنَا (انبیاء: ٤٩)“**

A Hadith agreed upon by both Imam Bukhari رضي الله عنه and Imam Muslim رضي الله عنه states, "Whenever a person makes a correct decision through ijtihaad, he receives two thawaab. If he makes an incorrect ruling, he attains only one."<sup>30</sup>

This also explains why Rafa Yadain (raising the hands before and after Ruku in namaaz) performed by a Shafee is correct

<sup>30</sup> Mishkaat, Kitaabul-Imaarah Baabul-Amalfil-Qadhaa

whilst the very same Rifa'adain performed by someone against Taqlid (Ghair Muqallid) is incorrect. The Shafee has judged this action by a haakim (decider) and Muftahid according to the Shariah. Therefore, even if he makes a mistake, still too is it forgiven. The Ghair Muqallid, however, did not determine this action by a Muftahid Thuc, even if the action is correct, still will he be wrong. Today, without the decision of a judge, if a person takes the law into his own hands, he will be a criminal. However, if he decides to accept the ruling of a judge, he will not be apprehended as the judge is responsible for the decision. Even if the judge made a mistake, still will he not be accountable. The Holy Prophet ﷺ emplaced monetary tax (fidya) on the prisoners of the Battle of Badr solely based on his juristic reasoning (qiyaas), but a verse was revealed thereafter against it. It can be deduced that Allah was not pleased with this qiyaas but the money of the fidya was not returned. Rather, it was ordered, "Use the money because it is pure." Accordingly, we conclude that erroneous ijtihaad does not incur any reproach.

### **CONCLUSION DISCUSSION ON JURISTIC REASONING (QIYAAS)**

There are four sources and proofs of Shariah, i.e. the Quran, Hadith, Consensus of the Ummah and Deduction (Qiyaas). I have already noted the proofs of the third in this book. The Holy Quran and Hadith orders that we be with the general Muslim public, and the person who separates himself from this path is indeed an inmate of Jahannam.

Qiyaas literally means 'to measure', but according to the Shariah, it is defined as making the reason for an original, recorded rule apply to another Fiqhi rule, i.e. a case that has neither been proven nor found in the Quran and Ahadith arises. In this case, another rule found in the Quran and Hadith similar to it is taken into account and, after determining the cause for this rule, is applied and said, 'The command of the arisen rule is so-and-so because the reason that applies to that recorded rule in the Quran and Hadith applies here as well.'" Two examples of his follow,

What is the command of performing sodomy with a woman? We answer that sexual intercourse with a woman in the condition of menstruation is Haraam. The reason for this is filthiness. Sodomy with a woman also contains this vile. Therefore, it is Haraam.

If a father makes zina with a woman, will she now be halaal or not for his son? We answer that the woman with whom a father performs Nikah with is Haraam for his son. The reason for this is sexual intercourse or sexual association. Therefore, this woman with whom he has made zina becomes Haraam.

The above-mentioned rules are examples of juristic reasoning (qiyaas). It is a condition of qiyaas, however, that only a Mujtahid makes it. Qiyaas by any common person is not valid. Any rule declared by qiyaas is in fact the command of the Quran and Hadith. The prowess of qiyaas has only been used to deduce and substantiate it.

The Holy Quran, Hadith and actions of the Sahaaba رضي الله عنهم prove the validity of qiyaas. Allah ﷻ states, "So take example, O People of Insight." <sup>61</sup>

Similarly, Allah ﷻ states, "To confer is an act from Shaitaan." <sup>62</sup> So is every confidential talk from Shaitaan? No! Rather, any confidential meeting that plots against Islam and Muslims is an act from Shaitaan. Only those deductions (qiyaas) which are done against the command of Allah have been censored whenever they have been spoken against, e.g. when Shaitaan received the order to prostrate, he used his reasoning (qiyaas) to reject the Divine command. This is infidelity (kufr).

Those against Taqleed also use the following verse as an objection, (اعراف: ٢٠٣) إِنَّمَا أَتَّبِعُ يُؤْتَىٰ إِلَيَّْ 'Inna maa' comes to *fix and confine*, as said by them. Therefore, they argue that nothing besides the Holy Quran and Hadith should be followed; neither the Consensus of the Ummah (ijmaa) nor Juristic reasoning (qiyaas). They should know, however, that acting upon the latter is in fact acting upon the Quran and Hadith, because qiyaas is their manifestation.

In conclusion, I would like to ask the rejecters of qiyaas, "What are you going to do about these things which have not been clearly described by the Holy Quran and Hadith?" What do they rule about those things which seemingly contradict each other in the Ahadith?

Is namaaz allowed to be read in an -airplane? What should be done if in the first rakat of Juma namaaz there was a Jamaat, but in the second rakat the congregation ran away? What do they rule in *qiyaasi* laws like these and others? Therefore, it is best for them to begin following an'Imam. May Allah ﷻ grant them the ability to do so. Ameen!

