

Taqleed (Imitation)

Translated from Arabic

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All praise is for Allah, the Creator of humanity, the Lord of Earth and Heaven, Who created Adam (as), taught him the names of things, commanded the angels and Jinn to prostrate him (as) and honored humankind. Yet, Iblis was arrogant and he threatened humankind with seduction to evil. And Allah (swt) made this world a place of affliction and deeds, not the abode of eternal reward.

He (swt) revealed Messengers and Prophets (as) upon humankind by His mercy. Their Seal (saw) was the best of the inhabitants of Heavens and Earth, and thus the blessed Message was completed.

All praise is for Allah, filling the Earth and Heavens. I bear witness that there is no god but Allah, in the witness that will save us by the Mercy and Forgiveness of Allah from His Hellfire. We ask Allah (swt) for steadfastness. I bear witness that Muhammed is the servant and the Messenger of Allah (saw), the one who said, «مَنْ يُرِدِ اللَّهُ بِهِ خَيْرًا يُفَقِّهْهُ فِي الدِّينِ» **“When Allah wishes good for anyone, He makes him understand in the Deen.”** [Bukhari and Muslim]

We are writing this subject since we see the need of many of the sons of this Ummah to understand this subject, as not every Muslim can arrive at the rank of ijthihad in the Knowledge of Shariah and thus he must imitate those who do. He is in need of imitation (Taqleed) to know the commands and prohibition of his Lord (swt), abiding by His Deen in deeds, words and in all of his life.

What made matters worse was the loss and absence of Shariah knowledge from the minds of sons of the Ummah. This is because of the loss of 'Ulema. Muslim narrated in his Sahih: Abdullah b. 'Amr b. al-'As reported Allah's Messenger (saw) as saying: «إِنَّ اللَّهَ لَا يَفْبِضُ الْعِلْمَ انْتِزَاعًا يَنْتَرَعُهُ مِنَ النَّاسِ وَلَكِنْ يَفْبِضُ الْعِلْمَ بِفَبِضِ الْعُلَمَاءِ حَتَّى إِذَا لَمْ يَبْرُكْ عَالِمًا اتَّخَذَ النَّاسُ رُءُوسًا جُهَالًا فَسُئِلُوا فَأَفْتَوْا» **“Verily, Allah does not take away knowledge by snatching it from the people but He takes away knowledge by taking away the 'Ulema, so that when He leaves no learned person, people turn to the ignorant as their leaders; then they are asked and they deliver Fatwa without knowledge, they go astray, and lead others astray.”** People take ignorant leaders to give judgments with the loss of 'Ulema, as those who remained from amongst the true 'Ulema were deported, silenced and abducted. Thus there exists the loss of Shariah knowledge amongst the sons of Ummah.

Nevertheless, the weakness in understanding Islam and the weakness of juristic capability amongst the sons of Ummah began with the lack of giving importance to the Arabic language. It then worsened through closing the door of ijthihad. It then worsened further still through the domination of the West and Kufr nations over Muslims by usurping their authority. The kuffar struck the Ummah heavily in both the cultural and intellectual aspects. They worked for the faculties of “Shariah Sciences” to prevail over the Knowledge of Fiqh in the lands of Muslims, just as in the precedence of Western philosophy and logic (manteq). They coerced the people of Fiqh and kept them away from the reality. So the knowledge of the faqeeh or sheikh (teacher) or student in the faculties of “Shariah Sciences” became for the sake of preaching and delivering sermons, and not for the sake of implementation, change and practically taking care of the affairs of Muslims. So the strength of Fiqh (jurisprudence) declined more than ever. Thus the 'Ullema have decreased, whilst the imitators (Muqallids) have increased.

Another problem arose, which is that of the imitator (Muqallid) who does not know how to imitate the 'Ulema and does not know what the regulations and rulings of imitation are. He is

ignorant of the obligations upon him as an imitator. He thinks that he could, as is erroneously said, "حطها برأس عالم واطلع سالم" "place the hukm on the neck of an 'Aalim and look for the one who is sound."

Amongst the most pressing problems in the subject of imitation during this era is that the community of Muslims are no longer giving importance to know the rulings, commands and prohibitions of Allah (swt). They do not examine them carefully to the extent they start giving fatwas from themselves, making the commands of Allah (swt) subservient to their desires and interests. If you ask them, they would say, "استفت قلبك ولو أفثاك الناس" "Ask for Fatwa from your heart, although people gives you fatwa." They also say "The Deen is easy and not difficult, so do not make it complicated" or "The interest is so and so, and the Deen is to take care of the interests of the people" or "my intention is pure and what matters is the intention," and other excuses by which they assure themselves to escape from their responsibilities towards their Deen and Ummah!

Then, there are those who read two or three books and begin thinking of themselves as 'Ulema of their time. They think that they are 'Ulema who do not need to imitate anyone. Moreover, they think that it is a shame to imitate others, saying that they are knowledgeable and juristically competent. So they give fatwa from the Book of Allah (swt) and the Sunnah of the Messenger of Allah (saw), upon which they do not have knowledge. They misguide themselves and others! All of this necessitates the conveying of the thoughts that would enlighten those who are not mujtahids, upon how to take the ahkam of their Deen.

From Allah (swt) the support is sought and upon Him Alone is the trust.

In this subject, we will discuss the various issues:

First Issue: Definition of Taqlid (Imitation) and its ruling

Second Issue: It is upon the Muqallid to seek Fatwa from the one whom he knows is knowledgeable and capable of Ijtihad

Third Issue: What does a Muqallid do in the presence of more than one Mujtahid?

Fourth Issue: Solving the problem of scarcity of Mujtahids in our time

Fifth Issue: Muqallid imitates a specific Madhab whilst the people of his Madhab become absent

First issue: Definition of Taqlid (Imitation) and its Ruling

Taqlid is the acting upon the saying of others, without direct knowledge of the mandatory evidencing. It is the following by a Muqallid of the opinions of a Mujtahid 'Aalim in the issue of jurisprudence (Fiqh), in order to act upon what the 'Aalim said. He follows the opinion of the 'Aalim because he trusts that the Aalim's saying emerged from the evidence, which the Mujtahid examined. The Muqallid does not have to know this evidence, or the knowledge of the derivation (istinbat), ijtihaad and the process of decision, whilst not even knowing what the 'Alim mentioned, memorized and preserved. The Muqallid acts upon the action, without deriving the ruling from the Shariah evidences for himself.

One who does not possess the capability for ijtihaad, even if he gains some significant knowledge of ijtihaad, must imitate one of the mujtahid and follow his fatwas (rulings) for practical issues. This is unlike the claims of some of the scholars from amongst the Mu'tazila and others. What we assert is indicated by the Divine texts and Unanimous Consensus of the Companions (ra).

As for the divine text, Allah (swt) said, ﴿فَسْئَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ﴾ **"So ask the people of the message if you do not know."** [TMQ 21:7]. The saying here is general about asking anything which one does not know.

As for the Consensus, the general public during the time of the Companions (ra) of the Prophet (saw) used to ask mujtahids from amongst the Companions, about the practical

Shariah rulings. Those of the Companions (ra) who were mujtahids responded to them, without a reference to the evidencing, whilst both the questioner and responder did not object to it. Amongst the evidence for this is the sound narration of As-Sha'bi (الشَّعْبِيُّ) who said, كَانَ مِنْ أَصْحَابِ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ يَفْتُونَ النَّاسَ ابْنُ مَسْعُودٍ، وَعُمَرُ بْنُ الْخَطَّابِ، وَعَلِيٌّ، وَزَيْدُ بْنُ ثَابِتٍ، وَأَبِي بِنُ كَعْبٍ، وَأَبُو مُوسَى. وَكَانَ ثَلَاثَةٌ مِنْهُمْ يَدْعُونَ قَوْلَهُمْ لِقَوْلِ ثَلَاثَةٍ، كَانَ عَبْدُ اللَّهِ يَدْعُ قَوْلَهُ لِقَوْلِ عُمَرَ، وَكَانَ أَبُو مُوسَى يَدْعُ قَوْلَهُ لِقَوْلِ عَلِيٍّ، وَكَانَ زَيْدٌ يَدْعُ قَوْلَهُ لِقَوْلِ أَبِي بِنِ كَعْبٍ “There were six amongst the Companions of the Messenger of Allah (saw) who used to give fatwa to people, they are: Ibn Masud, Umar bin Khattab, Ali bin Abu Talib, Zaid bin thabit, Ubay bin Ka'b (may Allah be pleased with them). Three used to attribute their sayings to the other three. Abdullah attributed his saying to Umar, Abu Musa attributed his sayings to the statement of Ali and Zaid attributed his sayings to the statements of Ubay bin Ka'ab.” Thus there is Consensus amongst the Companions of the Prophet (may Allah be pleased with them) for the permissibility of Taqlid (Imitation).

All of these statements in this issue are related to the imitation for the branches (furoo'). As for the imitation in the foundation of the Deen, the Aqeedah, it is not permissible as Allah (swt) says, ﴿وَمَا لَهُمْ بِهِ مِنْ عِلْمٍ إِنْ يَتَّبِعُونَ إِلَّا الظَّنَّ وَإِنَّ الظَّنَّ لَا يُغْنِي مِنَ الْحَقِّ شَيْئًا﴾ “**And they have thereof no knowledge. They follow not except assumption, and indeed, assumption avails not against the truth at all.**” [TMQ Surah an-Najm 53:28]

Second Issue: It is upon the Muqallid to seek Fatwa from the One whom he knows is Knowledgeable and Capable of Ijtihad

It is permissible for a Muqallid to imitate only from the one who possesses the capability for making ijtihaad, and who must be just ('aadil). As for possessing the capability of ijtihaad, this is because taqlid (Imitation) is the following of the opinions of others, without knowing the mandatory evidencing. This following is for the sake of knowing the Shariah ruling, whilst the Shariah ruling can be known only through scrutinizing and evidencing (istidlal) from the Shariah evidence. Scrutinizing and istidlal can only be done by a mujtahid. Therefore, it is the one whom people seek fatwa from who must be a mujtahid and who is able to undertake derivation (istinbat) of the Shariah rulings from the detailed evidence of Shariah (adillat tafsilyah).

As for being just, this is because justice is the condition for a witness. Giving a fatwa of the Shariah rulings is a witness from the Mufti that it is a Shariah ruling which is derived correctly. Accordingly, witness is a condition that must be met by the one from whom people seek Fatwa.

There is a question here: is it a must upon a Muqallid to ask the one whom he is seeking fatwa from about his condition in terms of his knowledge, capability of ijtihaad and just before asking him the question?

As for what is related to the capability for ijtihaad, it is obligatory upon the Muqallid to ask the one whom he seeks fatwa from about his condition, before asking to take testimony of his justice from the Muslims, or by examining his authored works or the circles which the mujtahid takes. This is in the cases where the Muqallid possesses some significant knowledge about ijtihaad, which enables him to verify whether the derivation of the 'Aalim in his publications or knowledge circles are correct Shariah derivation. This matter is emphasized due to the nature of humans in general and in particular the condition of people in this time, as the majority of people are ignorant in the matters of Deen, being incapable of ijtihaad and fatwa. If he does not ask about the justice of Mufti, then what most of the people think will most likely be given.

As for what is related to the justice ('adl), it is also obligatory to ask about his justice, asking his people or those who know his condition or looking at his actions or listening to his talks to affirm that there is no apparent fisq (sin), or what blemishes his personality, or the insistence upon minor sins (sagha'ir), or other things that would subvert the justice of a man amongst Fuqaha. Amongst the things that would undermine the justice of an 'Aalim is that he stands at the gates of rulers, glorifying them with praises and making haram as halal for their

sake. Such a person is not entrusted about the Deen, nor is he sought fatwa from. Instead, it is upon the Ummah to account him, exposing his stance, whilst the sons of Ummah should ask him to desist eloquently.

Based on this premise, taking fatwa from councils, or taking fatwas from Dar ul Iftas without people knowing who gave the fatwa, or from taking fatwa from a group of muftis, gathering to give opinions and fatwa for a specific issue and then they issue fatwa to the people, all these contradict the rigorous procedures for Taqlid, as those who imitate (Muqallids) do not know the condition of those who gave them the fatwa, in terms of knowledge and justice.

Third Issue: What does a Muqallid do in the Presence of more than one Mujtahid?

It is upon the Muqallid to outweigh between the mujtahids. There are many criteria for outweighing (مرجحات) of muqallids that can be relied upon to outweigh between the mujtahids. The most important of them is 'a'lamiiyyah (أعلمية) being most knowledgeable). So, the Muqallid can outweigh the mujtahids and so he can imitate the one whom he trusts; that is, the most knowledgeable amongst the mujtahids. It is not permissible for a muqallid to choose between 'Ulema and mujtahids, based on his whims and desires. It is also not permissible for him to search for the easiest ijthads and follow the lightest of ahkam. It is true that it is permissible for muqallid to imitate specific 'Ulema for each separate issue. For instance, he can imitate Imam Shafi in the issue of Salah, and he can imitate Imam Abu Hanifa in the issue of fasting, and he can imitate Imam Ahmed bin Hanbal in the issue of Hajj. This is permissible on condition that his choice of 'Ulema should stem from his trust in the knowledge (أعلمية) of each one of them for the issue that he follows him in. It must not stem from whims and desires.

Also, whilst it is permissible for the muqallid to imitate one of the Ulema for each separate issue, he can imitate a single 'Aalim for all the issues of the Deen, such as to say "I imitate the Shafi'i madhab completely." This is also permissible and there is nothing wrong in that.

And the question that is raised here is: is it permissible for a Muqallid, when he imitates an 'Aalim for an issue, or as for an entire madhab to revise his imitation by imitating another 'Aalim?

We say: It is permissible in every issue that is not connected to his current actions. For instance, if a muqallid says, 'I will imitate Shafi'i for the issue of prayer and Zakah', and then he prays upon the madhab of Shafi'i. However, he does not have wealth with him to reach the level of Zakah (Nisab) so does not adopt from Shafi'i in this. Then when his wealth reaches to the level of Zakah, he sees that Abu Hanifa is more precise for the ijthad on the issue of Zakah. Then, it is upon him to imitate Abu Hanifa in the issue of Zakah.

If the action of Muqallid is connected to the issue in which he imitates a particular 'Alim, the Muqallid does not leave him. There are two types of Muqallids.

Either the Muqallid is ignorant of the Knowledge of ijthad and he is called Muqallid A'ami (general imitator) or he possesses some of the significant knowledge about ijthad, although he does not possess sufficient knowledge that gives him the capability of ijthad, and he is called Muqallid Muttabi' (Following Imitator).

As for what is related to Muqallid A'ami, if he trusts the knowledge and justice of an 'Alim, he will take rulings from that 'Alim and imitate him. It is not permissible for him to turn aside from the 'Alim to other mujtahids, even if he sees and trusts later in the a'lamiiyya (أعلمية) of another mujtahid. This is due to his ignorance of the knowledge of ijthad and thus he is not able to outweigh the 'Ulema and their capabilities of deriving the ahkam (istinbath). However, if the apparent fisq (sin) or the clear ignorance of the 'Aalim is clear to this muqallid, which indicates the contradiction of the 'Aalim with what the Muqallid affirms in the Deen, then it is obligatory upon the Muqallid to abandon imitating this man and start imitating another 'Aalim who is trustworthy in his knowledge and justice.

As for what is related to Muqallid Muttabi,' he can outweigh the a'lamiyya (أعلمية) of mujtahids. So he can leave from imitating what is better (المفضل), into imitating what is best (الفاضل), according to what he sees, from what he possesses from the knowledge of ijihad, which enables him to judge upon the derivation (istinbat) of 'Ulema and their evidence. Here, he has made judgment in outweighing and not judgment upon derivation (istinbath) in itself.

Fourth Issue: Solving the problem of Scarcity of Mujtahids in our time

It happens today that if a Muqallid searches for a Mujtahid in his land to imitate, he will not find him. What makes matters worse are the borders placed by the colonialists between the lands of Muslims and the hard economic condition of Muslims, as it is difficult for a Muslim to travel and search for the 'Ulema and mujtahids in the lands of Muslims.

It has a solution, which is that the Muqallid should search in the books of mujtahids such as Shafi'i, Malik, an-Nawawi and others to find the solution for his issue. Or he should ask someone who has the knowledge of one of those madhabs, or the views of other mujtahids, so that he will give him the answer for his issue. Thus, the Muqallid can imitate the mujtahid, from whom the knowledge is transferred, and not from the one who transmits the knowledge from the mujtahid. The role of the transmitter is only to teach the Muqallid about the opinion of the mujtahid. There is no objection to this, provided that the muqallid is affirmed of the justice and trustworthy of the transmitter.

Fifth Issue: Muqallid imitates a Specific Madhab whilst the People of his Madhab become Absent

Consider a Muqallid who imitates a madhab completely, and his current actions are connected to many of the issues that had been derived by the people of that madhab, who clarified its origin. Consider that this muqallid now travels to a place where he does not find any one from amongst the people of that madhab, or the people of that madhab become absent. In that situation, it is obligatory upon the Muqallid to continue his action, just as he acted before according to that madhab in the issues that are already connected to his actions. As for the issues that are not yet connected to his current actions, there is nothing wrong for him to search for the 'Ulema who are not in his madhab and thus he can imitate them. There is no difference in this with what we have mentioned before.

There remains a problem in the issues which are connected to his current actions, which is the updating of the subsidiary (branch) problems for a muqallid, in the issues which he is already acting upon, according to the Madhab whose people are now absent. Here the Muqallid can ask any 'Aalim in whom he has trust in his capability of ijihad for this subsidiary issue.

In the end, I have thought to limit the subject upon these issues alone as I have seen them as the most important issues needed by the imitators (Muqallids) of this time.

And Praise be to Allah, the Lord of the Worlds.