

Chapter One

TAQLEED (Following an Imam)

Definition of Taqleed

Taqleed can be defined in two different ways:

Literal: *To adorn a collar or necklace on the neck.*

Technical: *The acceptance of a statement of another without demanding proof or evidence on the belief that the statement is being made in accordance with the Qur'an, Hadith and the consensus (agreement) of the companions. For instance, we follow the Imam in his actions, believe that as a proof and do not look for any proof in the Shari'ah.*

This is exactly what the term 'Taqleed' means: *A person who has no ability to understand the Qur'an and Sunnah consults a Muslim jurist, often termed as Imaam and acts according to his interpretation of Shari'ah. The person never considers him worthy of obedience, but he or she seeks his guidance to understand the requirements of Shari'ah, this is required because we do not have enough knowledge to derive the rules of Shari'ah from the Qur'aan and Sunnah. This behaviour is called 'Taqleed' of the jurist or Imaam.*

It is stated in *Tazheeb*, by Imam-Nawawi and *Irshaad-ul-Fahool* by Shawkani that, *'Taqleed can be defined as the acceptance of a Mujtahid's statements (Fatwa, without knowing his references (evidences)).'*

Ibn Humam and ibn Nujaim, both define as Taqleed as: *“To follow the opinion of a person whose opinion is not a proof in Islamic law without asking for his (the person followed) proof.”*¹

This statement has clarified the fact that a person who practises Taqleed does not hold the opinion of the one whom he follows (the Mujtahid) as a source of Islamic law because the sources for Islamic law are confined to the Qur’an and Sunnah (both Ijma-consensus and Qiyas-analogy are derived from the Qur’an and Sunnah). The only reason why a Muqalid (follower of an Imam) follows his Imam is because of the conviction that the Mujtahid has insights into the Qur’an and Sunnah (which the follower does not possess) by which the Mujtahid Imam is able to understand their meanings; in this regard the follower has relied upon the Imam’s opinion.

In the marginal notes of *Husaami, Chapter on Matabiat Rasool, from Sharah Mukhtasarul Manaar* it states:

*“Taqleed is when a person obeys another’s opinion or actions after hearing it without pursuing his proof in the belief that he is amongst the Shari’ah Researchers (Ahle-Tahqeeq).”*²

It can be concluded that obeying the Messenger of Allah (may Allah bless him and grant him peace) cannot be termed Taqleed as his every saying and action is a proof of Shari’ah. In Taqleed, the Shari’ah proof is not looked at, which is why we, the companions and the four great Imams are called the followers (Ummatis) of the Messenger of Allah (may Allah bless him and grant him peace) and not those who follow him through Taqleed (Muqalids).

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

1 Al-Faqih wal Mutafaqiqihah. Vol: 2. Page 67. printed by Darul Ifta, Riyadh, Saudi Arabia 1389

2 This extract is found in the book, Noorul-Anwaar, in the discussion of Taqleed as well.

texts. If his verdict (fatwa) is proven incorrect and against Shari'ah, it will not be accepted. This differs to the verdicts of the great Imam Abu Hanifa (may Allah have mercy upon him) or any of the other Imams which is accepted irrespective of whether he deduced a rule after referring to the Qur'aan, Hadith, consensus of the Ummah (Ijma) or from his analogy (qiyaas). We are not to judge as we do not possess even half a drop of the knowledge the Imams do. This difference should be kept in mind.

There is a consensus amongst the majority of Muslims that we should follow the four major Imams in matters of Shari'ah. Such as: Those matters in which there is no direct, single and clear meaning in sources of *Shari'ah*.

Types of Taqleed

There are two types of Taqleed, Taqleed-e-Shar'i and Taqleed-e-Ghair Shar'i.

1) *Taqleed-e-Shar'i* is to follow one of the four great Imams in Salaah, fasting, Hajj and Zakah etc.

2) *Taqleed-e-Ghair Shar'i* is to follow someone in worldly matters, for example Doctors they follow the rules of medicine set by the Greek philosopher Hippocrates or Versalius etc. and poets tend to follow Shakespeare etc. this is known as Taqleed of the worldly matters.

Sufis who learn the Wazaif (supplications) and 'Amaal (actions) and follow rules and regulations of their Shaykh is Taqleed of a religious nature but not the Taqleed of the Shari'ah as they are not following him on rules pertaining to Halaal (lawful) and Haraam (unlawful).

When Taqleed-e-Ghair Shar'i is undertaken and it leads to going against the Shari'ah then to follow this is Haraam and it is only permissible if it is not against the Shari'ah.

1. *And do not accept his words whose heart We (Allah) have left neglectful from Our (Allah's) remembrance who follows his own desire and whose affairs exceed the limits.*³

2. *And if they stress you to make "shirk" (associate) with Me of which you have no knowledge, then do not obey them but keep company with them in all the worldly affairs.*⁴

3. *And when it is said to them, "come to what Allah has revealed and to the Rasool (Messenger)", they say, "Enough for us is that where*

3 Surah Kahaf, Surah No: 18. Verse 28

4 Surah Luckman, Surah No:31. Verse 15

on we found our father”. What! Even though their fathers knew nothing nor were they on the right way?⁵

4. *And when they are told to follow what Allah has revealed, they say, “We will follow that on which we found our forefathers,”...⁶*

The Qur’an forbids the following of rules and regulations and calls it evil if it contradicts the Qur’an and Hadith. For instance, if the poets said that you should add music to such and such a poem then this contradicts the Shari’ah and is forbidden to follow.

To use these verses from the Qur’an to say that one should not follow any Imam is untrue and their argument is baseless and unIslamic, but it means that you must not follow those who go against the Qur’an and Hadith. So, the question remains did Imam Aazam Abu Hanifa (may Allah have mercy upon him) or any of the other three Imams use anything else besides the Qur’an, Hadith and the agreement of the companions to derive the rules and regulations of Shari’ah that we follow in our religion?

A person, who studies medicine, accepts everything that he is taught until he reaches a stage where he is qualified to voice his opinion, or to agree or disagree with those who are more qualified than him. The layman or the one who does not achieve this degree of proficiency in this field has no right to make a statement in the field of medicine, even though he may possess a doctorate in the field of law. Similarly, experts in the field of law, or engineering etc. are mere followers (i.e. Muqalids) in the field of medicine.

5 Surah Al-Ma’ida, Surah No:5. Verse 104

6 Surah Baqarah, Surah No: 2. Verse 170