

Chapter Seven

Evidence from the companions on Taqleed

1) Ibn ‘Abbas narrates that ‘Umar ibn Khatab gave a sermon at Jabiya and said:

*“O people! If you want to know anything about the Qur’an, go to ‘Ubaid ibn Ka’ab. If you want to know about inheritance, go to Zaid ibn Thabit. If you want to know about Fiqh (what is halal and haram), go to Mu’adh ibn Jabal. If you want to know about wealth, then come to me for Allah has made me a guardian and a distributor.”*¹

‘Umar (may Allah be pleased with him) has addressed people in general in his sermon and advised that in matters of Tafseer, inheritance and fiqh, they should refer to these distinguished scholars and learn from them. We find it is best to go to those who are specialist. The four Imams were specialist in Fiqh.

2) Salim ibn ‘Abdullah narrated that ‘Abdullah ibn ‘Umar was asked about a person who owed another person some money and had to pay the loan at a fixed time. The creditor then agrees to forgive a portion of the loan if the debtor pays before the deadline. Ibn ‘Umar disliked this agreement and forbade it.²

There is no explicit hadith of the Prophet, which has been offered as proof. It is clear that this ruling was the personal judgment of ibn ‘Umar. So neither did ibn ‘Umar (may Allah be pleased with him) volunteer any proof, nor was any proof sought. This is evidence of Taqleed as well as Qiyaas (personal reasoning).

3) ‘Abdur Rahman narrated that he asked ibn Sireen about entering public baths. Ibn Sireen said that “‘Umar use to dislike the idea.”³

1 Tabarani in Al-Awsat.

2 Muwaata of Imam Malik. Page 279

3 Transmitted by Musaddad (Matalibul ‘Aaliyah, by ibn Hajar. Vol: 1. Page 51

Ibn Sireen (may Allah have mercy upon him) who was one of the most learned followers of the companions did not mention any proof except to say that ‘Umar (may Allah be pleased with him) used to dislike the idea. This is despite the fact that there are several hadith regarding the issue of public baths. ‘Umar himself has a hadith in this issue. I wonder why they did not look for a verse in the Qur’an or a Hadith? Proving Taqleed and Qiyas permissible.

4) Sulayman ibn Yasar said that Abu Ayyub Ansaari went for Hajj. When he reached a place called Naziyah on the way to Makkah he lost his camels which were for sacrifice. He approached ‘Umar on the Day of Sacrifice and mentioned his plight. ‘Umar said: “Do what those who perform Umrah do (tawaf and Sa’ee) and then you will become halal (take of your Ihram). Then when you come for Hajj next year, perform your Hajj and offer whatever sacrifice you can offer.”⁴

Abu Ayyub (may Allah be pleased with him) did not request ‘Umar (may Allah be pleased with him) for proof and nor did ‘Umar (may Allah be pleased with him) offer any. Abu Ayyub (may Allah be pleased with him) took his advice and acted accordingly. Taqleed is that which an Imam is followed, and no evidence is sought.

5) Mus’ab ibn Sa’ad said that his father when praying in the Masjid would shorten his prayers and complete his bow and prostration. And when praying at home, he used to lengthen his prayers and also his bow and prostration. Mus’ab asked: “Father, when in the Masjid, you shorten your prayers and when at home you lengthen them. Why is this?” His father replied: “My son. We are leaders and Imams who are followed by others.”⁵

This narration demonstrates that the masses during the time of the Companions followed them, not only in their statements, but also in their actions. It is also clear that following an eminent companion proofs are not required and for this reason the Companions observed even the most thorough impression that lengthy prayers are a religious duty.

4 Muwaata of Imam Malik. Page 149

5 Tabarani in Awsaat, the chain of narrations are sound. Al-Haithami in Majma'uz Zawaid. Vol: 1. Page 182

6) ‘Umar ibn Khattab saw Talha ibn ‘Ubaidullah wearing a coloured piece of cloth while he was in the state of Ihram. ‘Umar asked him what he was wearing. Talha replied that it was made from fabric, which was not scented. ‘Umar said:

“You are a group of leaders who are followed by other people. If an ignorant person saw this cloth, he would presume that Talha ibn ‘Ubaidullah wore this type of cloth while in Ihram. Do not wear these coloured garments.”⁶

7) Likewise, ‘Umar had advised ‘Abdur Rahman ibn ‘Awf to remove a certain type of socks, which he was wearing and said: “I implore you to remove them, I fear that others will look at you and follow your lead.”⁷

The previous incidents adequately demonstrate that companions were being followed in their actions and Fatwas. Following the companions in actions did not require proof or reasoning, for this reason their actions and would emphasise others to be likewise.

8) ‘Umar sent ‘Abdullah ibn Mas’ud to Kufa and sent the following letter to the people of Kufa:

“I am sending ‘Ammar ibn Yassir as your governor and ‘Abdullah ibn Mas’ud as your teacher and adviser. They are amongst the most noble of the companions of the Prophet. They are also amongst those who participated at Badr. So, follow them and listen to them.”

‘Abdullah ibn Mas’ud explained some principles of ruling in cases and said: “If anyone is faced with a case after today, he should judge according to the Qur’an. If there is a case where the Qur’an has not ruled, then he should judge according to the Prophet. If a case appears where neither has ruled, then he should judge according to the rulings of the pious. If a case comes where no one has ruled, he should judge

6 Muwaata Imam Malik. Imam Ahmad in his Musnad. Vol: 1. Page 192

7 Al-Isti’aab by Ibn ‘Abdur Bar. Vol: 2. Page 315. Al-Isaabah by ibn Hajjar. Vol: 2. Page 361. Ilaamul Muqi’een by Ibn Qayyim. Vol: 2. Page 171

according to his own discretion.”⁸ This was the method used by all the Imams.

‘Abdullah ibn Mas’ud has expressed four levels of ruling in this narration. The Qur’an, the Sunnah, the decisions of the pious and then individual judgment. The point which is evident in this order is that no one would assume that while referring to the Qur’an first, necessarily entails ignoring the Sunnah, while referring to the Qur’an to understand its meaning. The consensus of the scholars is that the explanation of the Qur’an should be sought through the aid of the Sunnah.

9) When the Prophet sent Mu’adh bin Jabal to Yeman as a ruler he was asked what will you make your decisions from? He replied the book of Allah, he was asked what if you cannot make a decision, he replied I will follow the Sunnah, he was asked what if you cannot make a decision? He replied:

“I will make Ijtihad”, the narrator said, the Prophet then slapped his blessed hand on his chest and said, Praise be to Allah that the Messenger is pleased on the reasoning by the means of Qiyas.⁹

This is strong evidence of Qiyas, as there was no need for Ijma at the time of the Prophet (may Allah bless him and grant him peace) because of his presence, this is why Mu’adh (may Allah be pleased with him) did it. On many occasions the companions made decisions on the basis of Qiyas, Ibn Mas’ud (may Allah be pleased with him) made the decision of giving a woman her Mehr (gift to the wife at time of marriage) when her husband died by setting the amount given to women at that time.

10) Ibn Sa’ad in his Tabqaat has recorded that someone enquired from Hasan of Basra (Hasan Basri) whether he would drink water from a masjid which was provided as charity. Hasan said: “Abu Bakr and

8 Sunan Nisaai. Vol: 2. Page 503 and Sunan of Darami. Vol: 1. Page 54

9 Mishkat, Tirmidhi, Abu Dawud, Ahmad, Tirmidhi and Darimi etc.

‘Umar both drank from the water of Umme Sa’ad which was on the roadside. So, what if I drink from this water?’¹⁰

Of particular interest is the fact that Hasan Basri’s only proof was the action of the two Companions.

11) Imam Tawus (may Allah have mercy upon him) says: “I met seventy from amongst the companions of the Messenger of Allah (may Allah bless him and grant him peace), who would resort to the opinion of ibn ‘Abbas (may Allah be pleased with him) whenever they differed in any matter.”¹¹

Was the Qur’aan and Sunnah not enough for them to refer to?

12) Ibn Qayyim writes that there were four Imams in the time of the *Sahaba*, “In Makkah there was ‘Abdullah Ibn Abbas, in Madina there was Zaid Ibn Thabit, in Basra there was Anas bin Malik and in Kufa there was ‘Abdullah bin Musood. After they passed away amongst the *Tabi’een and Tab-e-Tabi’een* were four Imams. Again, these were famous, in Madina there was Sa’eed bin Musayb, in Makkah there was Ata Bin Rab’a, in Yamen there was Ta’oos, and in Kufah there was Ibrahim. There were many other Imams, but these were the most famous at that time.”¹²

It is the same with the four Imams of the Orthodox Madhabs; Imam Abu Hanifa, Imam Malik, Imam Shafi’i, and Imam Ahmad. During their time there were many Muhaditheen and Scholars, but people would come to these four Imams as they were the most famous of their time due to their extensive knowledge and reliability.

These were merely selected examples from the lives and statements of the companions and their followers. Ibn Qayyim states that the Fatwas of more than 130 companions have been recorded and memorized. Including those of women.¹³

10 Kanzul Ummal. Vol: 3. Page 317

11 Fawaid fil Uloom ul Fiqh. Page 11

12 Alaam-ul-Muwaqqjeen, page 10, by Hafidhh Ibn Qayyim

13 ‘Ilamul Muqi’een. Vol: 1. Page 9

Conclusion

None of the above examples given above did any companion ask for evidence from the Qur'aan and Sunah.