

Taqīd and Ijtihad

(Part Two)

THE LEXICAL AND TECHNICAL MEANINGS OF *TAQLĪD*

The lexical meaning and structure of the word *taqlīd* clearly indicate the negative connotations surrounding its technical meaning as well as its retention of much of the literal sense. The Arabic root *q-l-d* comes from *qald*, which means “to twist or to twine.” As most necklaces were either twined or braided, the word came to refer to necklaces, and the active form of the verb (*taqlīd*) to putting on a necklace. An example from early Arabic poetry uses *taqlīd* in this sense:

They placed on her (round her neck) amulets,
To ward off evildoers and enviers.

The same word is also used to refer to the marking made around the neck of an animal destined for sacrifice during hajj. In addition, a camel is said to be “necklaced” (*muqallad*) when a rope is placed over its head and around its neck. In a less literal usage, this word has the sense of placing responsibility on an individual, as in “The sultan charged (*q-l-d*) someone with a duty,” as charging a person in such a manner resembles putting a necklace around his/her neck. Here, the one who accepts the responsibility is as one who wears a necklace.¹

The classical *fuqahā'* define *taqlīd* as one's “acceptance of another's *madhhab* without knowing the other person's justification.” (In this definition, *madhhab* includes everything that falls within the purview of ijtihad.²) Although the *fuqahā'* give different definitions, all agree that it signifies the acceptance of and acting upon another's word without trying to substanti-

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ate it. In other words, the determining factor is one's trust in or reverence for the scholar, or his/her own negligence or lack of interest in trying to establish the truth on his/her own.

Having defined *taqlīd*, we shall now explain what it means to follow someone. The lexical meaning of "following" stems from the word for walking behind or falling into step with somebody else as he/she passes by (i.e., the way Muslims follow an imam during prayer).³ Following, which can be either physical or ideational, has been technically defined as "deliberating over the commands of Allah and His Prophet and considering the Prophet's deeds and statements for the purpose of obeying and emulating the same."

Abū 'Umar ibn 'Abd al-Barr (463 AH) discussed this issue in his *Jāmi' Bayān al-ʿIlm*, in which he quoted Abū 'Abd Allāh ibn Khuwayz al-Mālikī as saying: "The legal meaning of *taqlīd* is to adopt someone's opinion despite his lack of any justification (for that opinion). This is clearly prohibited in the Shari'ah. Following, however, occurs when there is a justification for that opinion (*mā thabatat ʿalayhi al-ḥujjah*)."⁴ In the same book, Abū 'Umar says: "Whenever you follow someone's opinion without any justification for doing so, that is *taqlīd*, a practice that is incorrect in Islam. Whenever you follow the opinion of someone based on its valid proof, that is following, which is permitted. But *taqlīd* is prohibited."⁵ Abū Dāwūd quoted Aḥmad ibn Ḥanbal as having said: "Following involves adhering to narrations concerning the Prophet and his Companions. As regards narrations of the practices of the successor generation (the Tābi'ūn), one is free to decide for oneself."⁵

Thus, the difference between *taqlīd* and *following* is perfectly clear: *taqlīd* means to follow someone without any justification for doing so, while *following* involves following what can be justified through proof. This difference makes the former prohibited and the latter permissible.

THE LEGAL RULING ON TAQLĪD: THE COMPANIONS AND TAQLĪD

In an authentic narration of a conversation between 'Alī ibn Abū Ṭālib and Kumayl ibn Ziyād al-Nakha'ī, 'Alī said:

O Kumayl, hearts are like vessels: the best contain the most good. There are three kinds of people: knowers and people of the spirit, learners on the road to salvation, and the rabble who follow anyone who brays loud enough. This group is unenlightened by knowledge and has not sought support from anything substantial ...

This narration censures those who believe that they know the truth despite the fact that they have little or no insight (*baṣīrah*), a condition that causes them to be troubled by doubt when confronted by anything they cannot understand.

Undoubtedly, an ignorant *muqallid* (follower), unaware of the proof or justification cited by the one he/she imitates, is part of this rabble, for all he/she knows about Islam is that a certain respected imam said this or did that – he/she does not even know whether the imam’s opinion was correct or not. As a result, the follower is neither lighting his/her path with the light of knowledge nor standing on solid ground, because he/she does not know what is right and what is wrong. In a prophetic hadith, the Prophet said:

Allah will not strip away knowledge from your breasts all at once. Rather, He will strip it away by taking away (through death and by slow degrees) the scholars. People will then take as their leaders those who are ignorant (of the Shari‘ah). When they are questioned, they will respond without really knowing the answers. In this way, they will go astray and lead others astray with them.⁶

It was related that Ibn ‘Abbās once said: “Woe to those who follow the mistakes of the learned!” When asked what he meant, he replied:

When a scholar says something based only on his own opinion and then abandons it when he finds that someone more knowledgeable than he has given another opinion based on something related from the Prophet; while the person who asked for the opinion of the first scholar has gone away and knows nothing of the opinion based on the Prophet’s hadith.

It was related that Ibn Mas‘ūd said: “Do not take the opinion of another in matters of religion so that if he believes you believe, and if he does not you do not. There can be no ideal in matters of evil.”

Since both the Prophet and the Qur’an rejected *taqlīd*, the Companions and many others considered it an evil and also rejected it. Thus, scholars are those who give an opinion (fatwa) and then explain their proofs and evidences to the audience when questioned. In this way, those who ask become followers of evidence and not merely blind followers of certain respected personalities.

All of these citations indicate that *taqlīd* was forbidden. The successor generation (the Tābi‘ūn) vigorously criticized it and warned people against it. ‘Abd Allāh ibn al-Mu‘tamm said: “There is no difference between an animal that is led and a person who makes *taqlīd*.” Thus, *taqlīd* is incorrect,

unacceptable, and inadequate in terms of fulfilling one's religious responsibilities unless certain conditions are met. On the other hand, following is allowed, for it involves someone convincing another person, through valid evidence or proof, of the validity of his/her opinions. Ibn ʿAbd al-Barr said:

There is no disagreement among scholars that *taqlīd* is corrupt ... that is why it was never widespread (among the early generations of Muslims). It was they who said: "If a *muqallid* respected and used his brain, he would never fall in behind another. Instead, he would use his own faculties to see for himself why it was that the great imams, even those within the same legal school, often differed."

THE IMAMS AND TAQLĪD

Imams Abū Hanīfah, Mālik, al-Shāfiʿī, and Ibn Ḥanbal warned people not to blindly follow what they said or did and denounced those who did so. Imām al-Shāfiʿī said:

One who seeks knowledge without proof is like a gatherer of wood who goes into the forest at night to collect fallen branches and is bitten by a snake when, thinking it to be another branch, he picks it up.⁷

His student and the narrator of his knowledge, Ibrāhīm al-Muzanī, wrote in his *Al-Mukhtaṣar*:

I have summarized all of this from the knowledge of Imām al-Shāfiʿī, and from the meaning of what he taught, in order to impart it to whoever wants it, along with notice of his prohibition of *taqlīd* (of his opinions) or of those of others, so that the reader will himself consider the evidence for the sake of his religion, and so as to be the more circumspect about it.⁸

The great *muḥaddith* Abū Dāwūd said:

I once asked Aḥmad [Ibn Ḥanbal]: "Did Awzāʿī follow the Sunnah any closer than Mālik?" Ahmad replied: "In matters of religion, don't be a *muqallid* of any of those people. Take whatever is authentic from the Prophet, upon him be peace, and from the Companions. When it comes to the successor (Tābiʿūn) generation, you can choose."⁹

He also said: "Don't be a *muqallid* of mine, nor of Mālik, Thawrī, nor Awzāʿī. Rather, take from the same sources they took from."¹⁰ Abū Yūsuf said: "No one may opine what we opine, unless they know the reasons why we hold that opinion."¹¹

When Abū Ḥanīfah was asked what should be done if one of his legal opinions was found to contradict the Qur'an, he replied: "Abandon what I said in favor of what is in the Qur'an." When asked what should be done if his opinion contradicted something in the hadith, he replied: "Abandon what I say in favor of the hadith of the Prophet, upon him be peace." When asked what should be done if his opinion contradicted an opinion by the Companions, he replied: "Abandon what I say in favor of what was opined by the Companions."¹² On the same subject, Mālik said: "I am human. Maybe I am wrong and maybe I am right. So look into my opinions. If they are in accordance with the Qur'an and the Sunnah, accept them. But those that are not, reject them."¹³ Ibn al-Jawzī wrote: "*Taqlīd* is a nullification of reason, for reason was created for consideration and contemplation. It is therefore unbecoming on the part of one given the lamp of reason to extinguish it and grope about in the dark."¹⁴

Taqlīd, in general, appeared only after the first generation and its successors had passed away. This is also true in the case of the Four Sunnī Imams, who only began to be objects of *taqlīd* after their deaths. In fact, they were no different from their predecessors in their censure and rejection of *taqlīd*.¹⁵ The stories of how Mālik refused al-Manṣūr and of how Abū Yūsuf refused al-Rashīd, when those rulers wanted to command their subjects to follow a single *madhhab*, are well known.¹⁶

An example of the kind of argument given by the early scholars is recorded here from Ibrāhīm al-Muzanī:

It may be said to one who passes judgment on the basis of *taqlīd*: "Do you have proof for your judgment?" If he says: "Yes," there was no *taqlīd*, for he arrived at his judgment on the basis of evidence. If he says: "No," he should be asked: "Why did you shed blood, legalize intercourse, and dissolve financial assets when Allah has prohibited all that, unless there be sound evidence as to why it should be done? Allah said: 'You have no proof of that' (10:68)." If he replies that he knew his judgment was correct, even if he did not know the evidence, because he is a *muqallid* of a great scholar who gave legal opinions only on the basis of sound evidence, it should be said to him: "Then you mean to say that your *taqlīd* of your teacher was legitimate, even though you did not know his reasons for adopting the opinion? Thus you consider it legitimate for your teacher to make *taqlīd* of his teacher, even if he did not know his teacher's reasons for a certain opinion? So are you a *muqallid* of your teacher or of your teacher's teacher?" If he answers that he is a *muqallid* of his teacher's teacher, he has abandoned the *taqlīd* of his teacher in favor of his teacher's teacher ... which means that he abandons the *taqlīd* of teacher after teacher until he finally goes back to the

Prophet and his Companions (which is not *taqlīd*). If he denies this, he contradicts himself and may then be asked: “How do you legitimize your making *taqlīd* of someone whose knowledge and station are (relative to the Prophet’s) so insignificant? That is clearly contradictory.” If he replies: “Because my teacher, although of a lower station, combined his own knowledge with the knowledge he gained from his predecessors. Thus his opinions were more informed in terms of what he accepted and what he rejected,” it may be said to him: “Then the same must be true of those who learned from your teacher, because they combined their knowledge with his and his predecessors’ knowledge. You should, therefore, be the *muqallid* of your teacher’s students. What this means is that you should be the *muqallid* of yourself, because you have combined your knowledge with that of your teacher and his predecessors.”¹⁷

THE FORMS OF *TAQLĪD* AS DEFINED BY THE *FUQAĀHĀ’*

There are three forms of *taqlīd*: a) *taqlīd* in matters that either result in knowledge or likely assumption. Examples of this are accepting testimony or evidence (when the conditions for their authenticity have been satisfied), accepting a scholar’s opinions on an issue of personal relevance (to the non-scholar), a blind person’s facing the qiblah toward which he/she is directed by someone who can see, accepting another’s word about the biographical data of narrators of hadith or about their reliability or lack of it. Personally, I have my doubts about whether this category actually falls under the heading of *taqlīd*¹⁸; b) *taqlīd* that results in neither knowledge nor in likely assumption, depending on how these are defined and what conditions are set for each¹⁹; and, c) *taqlīd* that is permissible and legitimate. Al-Rāzī and those *uṣūlī* scholars who followed him considered this as *taqlīd* of a scholar by a non-scholar, or *taqlīd* of a more knowledgeable scholar by a less knowledgeable scholar.²⁰

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It should now be clear from the opinions and statements of the learned Companions, *Tābī‘ūn*, *fuqahā’*, and *uṣūlīyyūn* that *taqlīd*, generally speaking, is to be avoided and that its prohibition, if not a matter of *ijmā‘* (consensus among the learned), is at least the opinion of the majority (*jumhūr*). The crux of the matter is that one should rely on sources from which legal judgments may be derived. Moreover, when an individual performs *ijtihād* for himself/herself without legal proof, his/her subsequent actions are permissible only as a matter of juristic license (*rukḥṣah*) and may not, therefore, be

blindly followed by another person, unless that person finds a legal basis (proof) for doing so.

If this is clear, then the first form of *taqlīd* mentioned above, if it can be considered *taqlīd* at all, is both acceptable and legally enjoined. Accepting testimony, for example, is enjoined in both the Qur'an and the Sunnah, while prohibiting the withholding of evidence is a matter of *ijma'*. The same is true for accepting the accounts of trustworthy narrators.

A non-scholar's questioning of a scholar is also enjoined, for Allah said: "Then ask the people of remembrance (scholars) if you yourself do not know" (16:43; 21:7). In the early days of Islam, the common people used to question the Prophet's Companions about rulings in cases that concerned them. When the Companions replied, the people would act in accordance with their replies. On another occasion, a person might ask a different Companion for his ruling, and then in complete confidence follow his advice.

Certain scholars considered the *taqlīd* of a scholar by an unlearned person not to be *taqlīd*, but rather following, for it is at least supposed that one who answers a question must have some kind of knowledge and that such a person would not give an answer unless there was evidence to support it. In a well-known hadith, the Prophet is reported to have said: "If they do not know the answer themselves, why do they not ask those who do? The only cure for ignorance is to ask questions."²¹ Based on this, something resembling consensus arose on the unlearned's responsibility to question the learned when faced with confusing issues. After this, however, the question arose as to whether or not the questioner was required to learn the evidence in support of the scholar's answer. Must he/she know the reason for the answer? The majority of scholars opined that the questioner must ask for proof and that the scholar must mention it.²²

What has been stated so far leads one to the certainty, or at least the likely assumption (*zann rājiḥ*), that the second type of *taqlīd* has no legitimacy and that we are responsible for making our own *ijtihād* and preparing ourselves to become capable of doing so. This form of *taqlīd* is prohibited, as any belief based upon it is no better than a guess, which is clearly unacceptable as the foundation for belief. Thus it also is unacceptable as the foundation for a legal ruling or legal advice (*fatwa*). Such *taqlīd*, whether of a living or a dead *mujtahid*, is expressly prohibited. The third form of *taqlīd* given above is no different from the first.

Scholars who hold that a certain form of *taqlīd* is permissible have differed among themselves as to whose opinions may be adopted. Some of their positions are:

- *Taqīd* of classical and contemporary scholars more knowledgeable than the questioner is allowed, because Allah said: “Then ask the people of remembrance (scholars) if you yourself do not know” (16:43; 21:7).
- Some permit *taqīd* of only the Companions and the *Tābi‘ūn*, because the Prophet said: “The best of the generations is my generation, then the ones who follow them.”²³
- Al-Shāfi‘ī (in an opinion that he later altered), Ibn Ḥanbal, Ishāq ibn Rāhawayh, and Sufyān al-Thawrī said that only *taqīd* of the Companions was permissible. In his early work, *Al-Risālah al-Baghdādiyyah*, al-Shāfi‘ī wrote: “The Companions were superior to us in every respect when it comes to knowledge, ijtiḥād, piety, and understanding. Accordingly, their opinions are better for us than our own.” In the same work, al-Shāfi‘ī asked, after further extolling their many virtues: “So is it reasonable to expect that *taqīd* of them should be the same as *taqīd* of those who in no way measure up to them?”²⁴ Abū Dāwūd related that Ibn Ḥanbal said: “Following means that one follows what has come from the Prophet, upon him be peace, and from his Companions. After that, in relation to the *Tābi‘ūn*, one may make up one’s own mind.”²⁵
- Some scholars held that *taqīd* of the Companions was limited to the first four caliphs (*al-khulafā’ al-rāshidūn*), for the Prophet stated: “Adhere to my Sunnah, and to the Sunnah of the rightly-guided caliphs who come after me.”²⁶
- Other scholars held that *taqīd* may be made only of Abū Bakr and ‘Umar, because the Prophet said: “Follow the two who come after me, Abū Bakr and ‘Umar.”²⁷
- Muḥammad ibn al-Ḥasan (Abū Ḥanīfah’s student and al-Shāfi‘ī’s teacher) held that *taqīd* by one less knowledgeable of one more knowledgeable is permitted.
- Another opinion is that one may make *taqīd* only in regard to matters of immediate concern to oneself and not in matters that may be mentioned as fatwa to others.
- Ibn Surayj (of the Shāfi‘ī school) opined that a student may make *taqīd* of his/her teacher on a matter of immediate personal concern, but only if there is not enough time for him/her to perform ijtiḥād before the opportunity to act accordingly is lost.²⁸

The different opinions of the classical scholars on this matter are rather nicely summarized by Ibn Taymiyyah:

As regards the particulars of law, the majority of theologians and jurists say that *ijtihād* is a responsibility placed upon every individual, even on the non-scholars. That, however, is not a tenable position, for if seeking knowledge of the evidence were the responsibility of every individual, it would only be so where there was the ability to do so, and such ability is clearly not possessed by the great majority of non-scholars. On the other hand, there are some who follow one legal school or another who say that *taqlīd* is the responsibility of everyone who comes after the [four Sunnī] imams, including the learned and the unlearned.

The position adopted by most scholars is that, generally speaking, *ijtihād* and *taqlīd* are permitted. They do not require *ijtihād* of everyone while declaring *taqlīd* to be *ḥarām*, nor do they require *taqlīd* while declaring *ijtihād* to be *ḥarām*. *Ijihād* is permitted to those who are capable of it, and *taqlīd* is permitted to those who are incapable of *ijtihād*. What, then, of the one who is capable of *ijtihād*? May such a one resort to *taqlīd*? There is a difference of opinion on this question. The correct answer, however, is that *taqlīd* is permissible for such a person when he/she is unable to perform *ijtihād* due to conflicting evidence, insufficient time, or a complete lack of evidence. This is because when one cannot undertake *ijtihād*, the necessity to do so no longer remains. Instead, the alternative is prescribed, which, in this case, is *taqlīd*. This is analogous to the person who cannot find water to perform his/her ablutions.²⁹

The same is true with regard to the non-scholar. If he/she can perform *ijtihād* for himself/herself on certain questions, it is permitted, because *ijtihād* is not an absolute – the pivotal point is ability or the lack thereof. Thus, a person might be able to perform *ijtihād* on certain questions and not on others. Nonetheless, this ability may be acquired only through the knowledge of those sciences that lead to an understanding of what is sought. It is hard to imagine, however, how one's knowledge of a single aspect of a discipline or a science would qualify one for *ijtihād*. Allah knows best.³⁰

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Islam, moreover, forbids us to follow any way other than that of knowledge. Allah says: “Do not pursue matters of which you have no knowledge. Surely every act of hearing, of seeing, and of the heart will be inquired into” (17:36). Thus, our responsibility in regard to every aspect of the divine law (*sharʿ*), be it a command or a prohibition, is that we attain knowledge of its

wisdom by whatever means possible. If sure knowledge is not possible, we have to reach an understanding based at least on the most likely possibility. This is why our scholars have not permitted *taqlīd*, except in the case of the most ignorant and incapable.³¹

NOTES

1. Entries in the dictionaries of classical Arabic may be consulted as follows: *Al-Miṣbāḥ*, 704; *Al-Muḥjam al-Wasīf*, 2:706; *Tāj al-ʿArūs*, 2:474–76; and *Mufradāt al-Rāghib*, 411.
2. For details of the classical *fuqahā*'s various definitions, see al-Jurjānī, *Taʿrīfāt*, 57; al-ʿĀmidī, *Iḥkām al-Aḥkām*, 4:221; al-Ghazālī, *Al-Muṣtaṣfā*, 2:387; al-Māwardī, *Adab al-Qāḍī*, 269; and al-Shawkānī, *Irshād al-Fuḥūl*, 234.
3. *Al-Miṣbāḥ*, 1:99; and *Tāj al-ʿUrūs*, 5:385–88.
4. Ibn ʿAbd al-Barr, *Jāmiʿ Bayān al-ʿIlm*, 109–19.
5. *Ibid.*, 2:117; Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿīn*, 2:190–200.
6. Imām al-Bukhārī related it in the chapter of “Al-ʿItisām bi al-Sunnah.”
7. This was related by Abū Bakr al-Bayhaqī. See Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿīn*.
8. Al-Muzanī, *Al-Mukhtaṣar*, 1 (printed on the margin of vol. 4 of al-Shāfiʿī's *Kitāb al-Umm*).
9. *Masāʾil Abū Dāwūd li al-Imām Aḥmad*, 276.
10. *Ibid.*
11. Ibn al-Qayyim, *ʿIlm al-Muwaqqiʿīn*, 2:201.
12. Al-Shawkānī, *Al-Qawl al-Mufīd*, 54.
13. *Ibid.*
14. Ibn al-Jawzī, *Tablīs Iblīs*, 90.
15. Al-Shawkānī, *Al-Qawl al-Mufīd*, 5.
16. Ibn al-Qayyim, *ʿIlm al-Muwaqqiʿīn*, 2:187. The attempts by Maṣūf, Hārūn al-Rashīd, and others to codify and standardize the law represented, in the eyes of the imams who refused to sanction such undertakings, an attempt to limit their freedom to formulate their own legal opinions. In fact, they feared that any limitation would lead to the rulers' attempt to quell the freedom of thought in general, thus paving the way to political absolutism. Several scholars suggested that a ruler's confusion, resulting from the presence of so many varied and conflicting legal opinions, could be solved by endorsing a single *madhhab* while allowing all other legal opinions to be taught and used for formulating alternative solutions to current issues. Thus, while no one would be prevented from formulating his/her own opinions through *ijtihād*, the problem of standardization within the courts and legal system would be resolved.
17. Ibn ʿAbd al-Barr, *Jāmiʿ Bayān al-ʿIlm*, 2:204.

18. Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿin*, 2:254.
19. Knowledge might be defined as a certain perception that is in accordance with reality, whereas likely assumption (*ẓann*) may be understood as perception of the more likely of two possibilities.
20. Tāj al-Dīn al-Armawī, *Al-Hāsil min al-Mahṣūl*, unpublished manuscript, folio 3, 977.
21. This was related by Abū Dāwūd from Jābir. The same hadith was related by Aḥmad, al-Ḥākim, and Abū Dāwūd from Ibn ʿAbbās, though with the words: “Is not the cure for ignorance to ask questions?” See al-Suyūṭī, *Al-Fatḥ al-Kabīr*, 2:295.
22. Al-Āmidī, *Iḥkām al-Aḥkām*, 4:228; al-Shātibī, *Al-Muwāfaqāt*, 4:292. An opposing position was taken by Ibn Ḥazm. See al-Āmidī, *Iḥkām al-Aḥkām*, 1:151-53.
23. This hadith was related by al-Bukhārī, Muslim, al-Tirmidhī, and Aḥmad. See al-Suyūṭī, *Al-Fatḥ al-Kabīr*, 2:99. The scholars of hadith have spoken of this type of permission. See al-Māwardī, *Adab al-Qāḍī*, 1:27.
24. Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿin*, 2:261-62.
25. Abū Dāwūd, *Masāʾil al-Imām Aḥmad*, 276.
26. Related by Aḥmad, Abū Dāwūd, al-Tirmidhī, Ibn Mājah, Ibn Ḥibbān, and al-Ḥākim on the authority of al-ʿIrbād ibn Sāriyyah. See al-Māwardī, *Adab al-Qāḍī*, 1:271.
27. Related on the authority of Ḥudhayfah by Aḥmad, al-Tirmidhī, Ibn Mājah, and Abū Yaʿlā. See al-Suyūṭī, *Al-Fatḥ al-Kabīr*, 1:215.
28. This opinion was recorded by al-Māwardī in *Adab al-Qāḍī*, 1:262-63.
29. Under such circumstances, the legal alternative is to use dust under the conditions prescribed for *tayammum*.
30. Ibn Taymiyyah, *Majmūʿ al-Fatāwā*, 20:203-4.
31. Ibn al-Qayyim, *Iʿlām al-Muwaqqiʿin*, 2:260.