



أَفَلَا يَتَدَبَّرُونَ الْقُرْآنَ

الفرق بين اتباع القرآن والسنة
وبين التقليد الأعمى للمذاهب الأربعة وغيرها
من أضواء البيان
للشيخ محمد الأمين الشنقيطي
رحمه الله

**FOLLOWING THE QUR'AN & SUNNAH:
BENEFITING FROM THE MADHHABS HOLISTICALLY
& NOT FOLLOWING ONE MADHHAB RIGIDLY**

*An abridged translation of the author's tafsir of an
ayah of the Qur'an (Surah Muhammad, 47:24)
from his Adwa' al-Bayan (Lights of Eloquence)*

with an

INTRODUCTION

by

Shaykh Suhaib Hasan

CONTEMPLATING THE QUR'AN

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Translation: Usama Hasan

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ISBN number (10): 0-907770-47-9

ISBN number (13): 978-0-907770-47-3

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بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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Al-Quran Society

جَمْعِيَّةُ الْقُرْآنِ

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INTRODUCTION

by Shaykh Suhaib Hasan, a direct student of Shaykh Muhammad al-Amin al-Shanqiti

We are pleased to present in translation a valuable and beneficial discussion on following the Qur'an and Sunnah holistically, benefiting from all the codified *Madhhabs* without following any one of them rigidly or blindly (*taqlid a'ma*), by my esteemed teacher of *tafsir* in Madinah, Shaykh Muhammad al-Amin al-Shanqiti, whose biography, *An Ocean From the Desert*, we published in Ramadan 1444/2022.

We have abridged the discussion considerably - it occupies 162 pages (pp. 457-618, vol. 7) of the edition published by the Organisation of Islamic Cooperation's Islamic Fiqh Academy. We did this by omitting the lengthy, tangential discussion about interpreting the Names and Attributes of Allah, as well as the lengthy quotes from Ibn 'Abdul Barr's *Jami' Bayan al-'Ilm (Compendium of Explanation of Knowledge)* and Ibn al-Qayyim's *I'lam al-Muwaqqi'in 'an Rabb-il-'Alamin (Informing Those Who Sign on behalf of the Lord of the Worlds)*. We have kept the main points related to the Shaykh's discussion whilst making it more accessible to the average reader.

In the Appendices, we explain the truth behind the recent *Madhhabi* misquoting of Imam Ibn al-Qayyim, making him out to say the opposite of his actual position that was also adopted by our Shaykh al-Shanqiti.

In another Appendix, we explain how Imam Shatibi also adopted a holistic approach towards the *Madhhabs* by reconciling the Hanafi and Maliki *Madhhabs*. Since the Hanafis were more influenced by the *Ahl al-Ra'y* (Rationalists) whilst the Malikis were *Ahl al-Hadith* (Traditionalists), Imam Shatibi's method of emphasising the higher objectives (*maqasid*) of the Sharia represents a synthesis of rationalist and traditionalist approaches.

Here, we quote the former Grand Mufti of Egypt, Shaykh Ali Gomaa: at the *Engaging With the Muslim World* conference hosted by the UK government in London in 2007, he stated about the Egyptian *Dar al-Ifta'* or official *fatwa*-issuing body, "We consult 85 *Madhhabs* before issuing a *fatwa*!" He was referring to the *Madhhabs* of scores of Companions (*Sahaba*), Followers (*Tabi'un*) and other Imams that have now been compiled and published for the benefit of Islamic jurists worldwide.

The above considerations all serve to underline our Shaykh Shanqiti's basic teaching: that one must follow the Qur'an and Sunnah, benefiting from the *Madhhabs* holistically and not rigidly following any particular one. Such rigid, blind following is a method that is centuries behind the times, as evidenced by our references to Imam Ibn al-Qayyim (d. 751 H / 1351 CE) and Imam Shatibi (d. 790 H / 1388 CE).

We ask Allah to accept and bless this work, and to make it beneficial for sincere seekers of knowledge.

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1st *Rabi' al-Awwal* 1445 H / 16th September 2023

So, do they not contemplate the Qur'an?

**[Following the Qur'an & Sunnah:
benefiting from the *Madhhabs* holistically,
not following one *Madhhab* rigidly]**

His saying, Exalted is He:

أَفَلَا يَتَدَبَّرُونَ الْقُرْآنَ أَمْ عَلَى قُلُوبٍ أَقْفَالُهَا

So, do they not contemplate the Qur'an, or do the hearts have locks over them?¹

The question form in His saying: *So, do they not contemplate?* is for disapproval², and the word “so”³ follows an ellipsis⁴, according to the more correct view. The implication is:

Do they turn away from the Book of Allah? So, do they not contemplate the Qur'an?

The author of the *Khulasah* referred to the permissibility of such an ellipsis (omitted phrase).

Or are the hearts locked? He explained that their hearts have locks over them, so that they do not open to goodness and understanding of the Qur'an.

The condemnation and disapproval in this noble verse of those who turn away from contemplating the Book of Allah has been explained in many verses, such as:

وَمَنْ أَظْلَمُ مِمَّنْ ذُكِّرَ بِآيَاتِ رَبِّهِ فَأَعْرَضَ عَنْهَا وَنَسِيَ مَا قَدَّمَتْ يَدَاهُ

***So, do they not contemplate the Qur'an?
If it were from other than Allah,
they would have found therein much contradiction.***⁵

أَفَلَمْ يَدَّبَّرُوا الْقَوْلَ أَمْ جَاءَهُمْ مَا لَمْ يَأْتِ آبَاءَهُمُ الْأَوَّلِينَ

***So, did they not contemplate the word, or did there come to them
that which did not reach their earliest forefathers?***⁶

كِتَابٌ أَنْزَلْنَاهُ إِلَيْكَ مُبَارَكٌ لِيَدَّبَّرُوا آيَاتِهِ وَلِيَتَذَكَّرَ أُولُوا الْأَلْبَابِ

***A Book: We have sent it down to you, Blessed,
that they may contemplate its Signs and that people of insights may reflect.***⁷

¹ Qur'an, Surah Muhammad, 47:24

² i.e. their lack of contemplation is condemned.

³ Lit. *the fa'*

⁴ i.e. an implied, omitted phrase.

⁵ *Al-Nisa'* (Women), 4:82

⁶ *Al-Mu'minun* (The Believers) 23:68

⁷ *Sad* (S), 38:29

Allah, Majestic and Exalted, has condemned those who turn away from this Magnificent Qur'an in numerous verses, such as:

وَمَنْ أَظْلَمُ مِمَّنْ ذُكِّرَ بِآيَاتِ رَبِّهِ فَأَعْرَضَ عَنْهَا

*Who is more unjust than he who is reminded of the signs of his Lord but turns away from them?*⁸

وَمَنْ أَظْلَمُ مِمَّنْ ذُكِّرَ بِآيَاتِ رَبِّهِ ثُمَّ أَعْرَضَ عَنْهُ

*Who is more unjust than he who is reminded of the signs of his Lord, then turns away from them?*⁹

It will not be lost upon any intelligent person that to forbid following the Book of Allah and the Way (*Sunnah*) of His Prophet, may Allah bless him and grant him peace, in favour of following the codified *Madhhabs*, and to say that there is no need to learn the Book and Sunnah because of the existence of sufficient teachings in the *Madhhabs* of the Imams, is one of the greatest of falsehoods. It is contrary to the Book of Allah, the Way of His Messenger, the Consensus (*Ijma'*) of the Companions and to the teachings of the Four Imams.

The following issues are related to this noble verse.

Muslims must contemplate the Qur'an, learn it, understand it and act by it

There is no basis for those who say that this is only for the mujtahids

There is a view of some of the later scholars of *usul*: that to reflect upon this Majestic Qur'an, understand and act by it, is only allowed for the *mujtahids*, those who reach the level of absolute *ijtihad* according to its conditions in their view.

Know that this view fundamentally has no Sharia evidence to support it; furthermore, many of their conditions of *ijtihad* have no evidence for them from the Book, Sunnah, *ijma'*, clear analogy or narrations from the Companions. Rather, the truth about which there is no doubt, is that any Muslim who has the capacity to learn, understand and grasp the meanings of the Book and the Sunnah: it is obligatory upon them to learn these, and to act upon the knowledge gained. Acting upon ignorance of them is forbidden by *ijma'*. But if a person has correct knowledge of them gained from correct learning, they may act upon it, even if it is only one verse or one hadith.

It is known that the Qur'anic censure and rejection of those who do not reflect upon the Book of Allah is general, applying to all people. To help explain this: the original people about whom this verse descended were the hypocrites and the disbelievers – none of them fulfilled the conditions of *ijtihad* established by the scholars of *usul*; in fact, they did not fulfil any of these conditions. If the only people permitted to benefit from acting upon the Qur'an, and following its guidance, were the *mujtahids* according to the *usuli* terminology, Allah would not have censured the disbelievers

⁸ *Al-Kahf* (The Cave), 18:57

⁹ *Al-Sajdah* (The Prostration), 32:22

and condemned them for not following its guidance. Furthermore, He would not have required them to attain the conditions of *ijtihad* established by later *usuli* scholars before establishing the proof upon them [of having to follow the Qur'an], as we can see.

It is further known that it is established in *usul* that the form of the cause of revelation is included with certainty in the scope of a verse. Thus, the hypocrites and the disbelievers are definitely included in the scope of this verse. If only the *mujtahids* were to be able to benefit from the guidance of the Qur'an, Allah would not have censured the disbelievers for not reflecting upon the Book of Allah and not acting upon it.

Now, we know that the reality is definitely opposed to this: it is clear that the conditions of *ijtihad* are only for matters within the scope of *ijtihad*. As for matters for which there are unequivocal texts (*nusus*) in the Book and the Sunnah, it is not permitted for anyone to exercise *ijtihad* therein, such that conditions of *ijtihad* may be applied; rather, the only option is to follow the texts.

Now, the author of *Maraqi al-Su'ud (Stairways to Felicity)*, following Qarafi, said:

من لم يكن مجتهداً فالعمل منه بمعنى النص مما يحظر

*Whoever is not a mujtahid, their action
Upon the meaning of the text has no permission.*

In his own commentary, *Nashr al-Bunud (Untying the Knots)*, on these lines, the author stated:

i.e. the non-mujtahid is forbidden from acting upon the meaning of a clear text from the Book or the Sunnah, even if its chain of narration is sound, because of the possibility of modifying factors such as abrogation (naskh), conditioning (taqyid), specification (takhsis) and others that only a mujtahid can ascertain. Thus, the non-mujtahid can only fulfil his duty to God by following the opinion (taqlid) of a mujtahid. This was stated by Qarafi.

From the above, we can see that neither Qarafi nor the author following him have any basis for forbidding the entirety of the Muslims, excepting only the *mujtahids*, from acting upon the Book of Allah and the Sunnah of His Messenger. Their only basis is the general possibility of factors that may modify the clear texts of the Book and the Sunnah, such as abrogation, specification, conditioning, etc.

This basis is rejected from two aspects:

Firstly, the basic principle is that clear texts (*nusus*) are free of abrogation (*naskh*) unless this is proven by Sharia evidence. General texts ('*aamm*) remain general unless specification (*takhsis*) is proven. Unconditional or absolute texts (*mutlaq*) remain so unless conditioning (*taqyid*) is proven. Apparent, dominant meanings (*zahir*) must be acted upon, whether they are general ('*aamm*), absolute (*mutlaq*), etc. unless evidence appears to modify these in favour of otherwise-unlikely meanings (*marjuh*). All of this is well-known in the appropriate Sharia disciplines.

The first person to suppose that general meanings must not be acted upon until specifications are searched for and not found, etc. was Abul-‘Abbas bin Surayj, who was followed by groups of later scholars such that they baselessly claimed *ijma*’ upon this.

Ibn al-Qasim al-‘Abbadi, in his *al-Ayat al-Bayyinat (The Clear Signs)*, clarified their error regarding this, in his comments upon Mahalli’s commentary upon Ibn al-Subki’s statement in *Jam’ al-Jawami’ (Encyclopedia of Encyclopedias)*:

The general (‘aamm) meaning must be held to during the life of the Prophet and after his death, may Allah bless him and grant him peace, before searching for specifications, contrary to Ibn Surayj.

In summary, the apparent, dominant meanings of the clear texts, whether general, unconditional, etc. may not be abandoned except on the basis of binding evidence such as specification or conditioning, and not on the basis of mere possibility, as is well-known in the appropriate Sharia disciplines. Thus, the claim by many later scholars, that acting upon such meanings must be abandoned until specification and conditioning, etc. has been sought, is contrary to proper analysis.

Secondly, when a non-*mujtahid* learns some verses of the Qur’an or hadiths of the Prophet, may Allah bless him and grant him peace, to act upon them, he will learn that general or unconditional text, and along with it he will learn its abrogating, specifying or conditioning text if applicable. Learning these is very easy by asking learned people who are familiar with it, and by studying appropriate sections of the reliable books of Qur’an-commentary (*tafsir*) and hadith.

The Companions, in the earliest era of Islam, would learn a verse or hadith and act by it. They would not desist from acting upon it until they had attained the status of an absolute *mujtahid*! It may be that a person acts upon his knowledge, so Allah grants him knowledge that he did not have before, as is indicated by His words, the Exalted:

وَاتَّقُوا اللَّهَ وَيُعَلِّمُكُمُ اللَّهُ

Fear Allah, and Allah will grant you knowledge¹⁰ and

يَأْتِيهَا الَّذِينَ ءَامَنُوا إِن تَتَّقُوا اللَّهَ يَجْعَل لَكُمْ فُرْقَانًا

O you who believe! If you fear Allah, He will grant you a criterion,¹¹ upon the view that the criterion here is beneficial knowledge that distinguishes between truth and falsehood.

Also,

يَأْتِيهَا الَّذِينَ ءَامَنُوا اتَّقُوا اللَّهَ وَءَامِنُوا بِرَسُولِهِ يُؤْتِكُمْ كِفْلَيْنِ مِن رَّحْمَتِهِ وَيَجْعَل لَكُمْ نُورًا تَمْشُونَ بِهِ

O you who believe! Be conscious of Allah and believe in His Messenger: He will give you two portions of His Mercy and grant you Light by which you may walk.¹²

¹⁰ *Al-Baqarah (The Cow, 2:282)*

¹¹ *Al-Anfal (Spoils of War, 8:29)*

¹² *Al-Hadid (Iron, 57:28)*

Thus, these verses indicate that Allah grants to people of *taqwa* (God-consciousness) knowledge that they did not have previously have, because of their *taqwa*. This *taqwa* is simply acting upon what one knows of the command of Allah, thus acting upon some of one's knowledge. Because of this *taqwa*, Allah increases him in knowledge, by granting him knowledge that he did not have previously.

Thus, to forbid people from acting upon their knowledge of the Book and the Sunnah until they attain the status of absolute *ijtihad* is to strive to deprive all Muslims from benefiting from the Light of the Qur'an until they fulfil conditions that are unattainable in the belief of those who hold this view. We can see the reality of such a claim about Allah, His Book and the Sunnah of His Messenger!

From our analysis, we can see that the previous statement by the author of *Maraqī al-Su'ud (Stairways to Felicity)* is not correct at all in general, for it opposes many verses and hadiths without being supported by any evidence.

Amongst the known matters is that it is not correct to specify the general meanings of the Book and Sunnah, except on the basis of binding evidence. Also amongst the known matters is that the general verses and hadiths encouraging all people to act by the Book of Allah and the Way of His Messenger, are too numerous to be counted. For example, the hadiths, *I have left amongst you that which if you hold to it, you will not stray: the Book of Allah and my Way*, and *You must follow my Way*, etc.

Thus, to restrict those numerous texts specifically to the *mujtahids* and totally prohibit others from benefiting from the guidance of the Book and the Sunnah, needs evidence from the Book of Allah or the Way of His Messenger, may Allah bless him and grant him peace. It is incorrect to restrict those texts based on the views of some later scholars who admit that they are *muqallids* (followers of the opinions of others).

A *muqallid* is not an 'alim: a follower of opinions does not have knowledge

It is known that a pure follower of opinion (*muqallid*) cannot be regarded amongst the people of knowledge or the inheritors of the Prophets. Ibn 'Abdul Barr related from Ibn 'Abbas that he said, "Whoever repeats a *fatwa* blindly, then the sin [of its misapplication] is upon him."

There is no doubt that the *muqallid* is blind about the *fatwa* that he is repeating, because his knowledge is limited to knowing merely that such-and-such has said it, whilst knowing that that person is not infallible against mistakes and errors.

Ibn 'Abdul Barr then said, "The people of knowledge and insight say that the definition of knowledge is being able to explain, and attaining the known as it truly is. Hence, if something becomes clear to someone, he has known it. They further said that the *muqallid* thus has no knowledge, and they did not disagree about that."

Saying that we cannot follow the Qur'an & Sunnah but must follow the codified *Madhhabs*, is one of the greatest falsehoods

It is obligatory upon every Muslim, who fears being presented before his Lord on the Day of Judgment to consider this great crisis and calamity that has spread over most of the lands of the Muslims, and to find himself a way out of it. I refer to the claim that one does not need the Book of Allah and the Sunnah of His Messenger at all, in all commandments relating to worship and transactions, penal codes and so on, because the codified *Madhhabs* are sufficient.

Their basis for this view is twofold:

- (i) That only *mujtahids* may act directly upon the Book and the Sunnah; and
- (ii) That *mujtahids* no longer exist in this world: they are now entirely absent.

Based on these two premises, the proponents of this view hold that acting directly upon the Book of Allah and the Sunnah of His Messenger is forbidden for all people on earth: instead of these two sources, the codified *Madhhabs* are sufficient. Many of them also added to this that it is forbidden to follow any *Madhhab* except the Four, and that this is binding until the end of time.

So consider, my brother, may Allah have mercy upon you: How is it justified for a Muslim to say that it is forbidden to gain guidance from the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, that it is not obligatory to learn these two sources and act upon them, sufficing instead with the sayings of non-infallible men, for there is no disagreement that the latter may err?!

If they mean that there is no need to learn the Book and the Sunnah because other sources are sufficient, then this is a great slander, a rejected and false claim!

If they mean that it is so difficult to learn the two sources such that it is now impossible, then this is also a false claim because learning the Book and the Sunnah is easier than learning diverse opinions and interpretations that are extremely knotty and numerous. Rather, Allah says repeatedly in *Surah al-Qamar* (The Moon, 54:17, 22, 40):

وَلَقَدْ يَسَّرْنَا الْقُرْآنَ لِلذِّكْرِ فَهَلْ مِنْ مُدَكِّرٍ

Surely, we have made the Qur'an easy for remembrance: is there any to take heed?

Moreover, He said in *al-Dukhan* (The Smoke, 44:58):

فَإِنَّمَا يَسَّرْنَاهُ بِلِسَانِكَ لَعَلَّهُمْ يَتَذَكَّرُونَ

So surely, We have made it easy by your tongue, that they might reflect.

He also says in *Maryam* (Mary, 19:97):

فَإِنَّمَا يَسَّرْنَاهُ بِلِسَانِكَ لِتُبَشِّرَ بِهِ الْمُتَّقِينَ وَتُنذِرَ بِهِ قَوْمًا لُدًّا

*So surely, We have made it easy in your tongue,
that you may give glad tidings to the pious and thereby warn an obstinate people.*

Thus, the Qur'an is a Book made easy by Allah's easing, for whomever Allah grants capability to act upon it. Allah, Majestic and High, says:

بَلْ هُوَ آيَاتٍ بَيِّنَاتٌ فِي صُدُورِ الَّذِينَ أُوتُوا الْعِلْمَ

Nay! It comprises Clear Signs in the hearts of those given knowledge,¹³ and

وَلَقَدْ جِئْنَاهُمْ بِكِتَابٍ فَصَّلْنَاهُ عَلَىٰ عِلْمٍ هُدًى وَرَحْمَةً لِّقَوْمٍ يُؤْمِنُونَ

*Surely, We have brought them a Book that We have explained with knowledge:
guidance and mercy for people who have faith.¹⁴*

Thus, there is no doubt that anyone who distances themselves from its guidance is trying to distance themselves from Allah's guidance and mercy. Furthermore, there is no doubt that this Magnificent Qur'an is the Light that Allah has revealed to His earth for it to be illuminated thereby, for truth to be known from falsehood in the light of it; for goodness to be known from ugliness; the beneficial from the harmful; the right guidance from error. Allah Exalted says:

يَأَيُّهَا النَّاسُ قَدْ جَاءَكُمْ بُرْهَانٌ مِّن رَّبِّكُمْ وَأَنْزَلْنَا إِلَيْكُمْ نُورًا مُّبِينًا

*O people! Surely, clear proof has come to you from your Lord:
We have sent down to you a clear light.¹⁵*

قَدْ جَاءَكُمْ مِنَ اللَّهِ نُورٌ وَكِتَابٌ مُّبِينٌ

يَهْدِي بِهِ اللَّهُ مَنِ اتَّبَعَ رِضْوَانَهُ سُبُلَ السَّلَامِ وَيُخْرِجُهُم مِّنَ الظُّلُمَاتِ إِلَى النُّورِ بِإِذْنِهِ وَيَهْدِيهِمْ إِلَى صِرَاطٍ

مُسْتَقِيمٍ

*Surely, there has come to you from Allah: light and a clear book.
By it, Allah guides those who follow His pleasure along the paths of peace;
He brings them out of the darkneses into the light by His permission,
and He guides them to the Straight Path.¹⁶*

وَكَذَلِكَ أَوْحَيْنَا إِلَيْكَ رُوحًا مِّن أَمْرِنَا ۗ مَا كُنتَ تَدْرِي مَا الْكِتَابُ وَلَا الْإِيمَانُ وَلَكِن جَعَلْنَاهُ نُورًا نَّهْدِي بِهِ

مَنْ نَشَاءُ مِّن عِبَادِنَا

*Thus have We inspired to you a Spirit from Our Command:
you did not know Scripture or Faith, but We made it a Light
by which We guide whomever We wish of Our Servants.¹⁷*

¹³ Al-'Ankabut (The Spider, 29:49)

¹⁴ Al-A'raf (The Heights, 7:52)

¹⁵ Al-Nisa' (Women, 4:174)

¹⁶ Al-Ma'idah (The Last Supper, 5:15-16)

¹⁷ Shura (Consultation, 42:52)

فَأْمِنُوا بِاللَّهِ وَرَسُولِهِ وَالنُّورِ الَّذِي أَنْزَلْنَا

*So, have faith in Allah, His Messenger and the Light that We have sent down.*¹⁸

فَالَّذِينَ ءَامَنُوا بِهِ وَعَزَّرُوهُ وَنَصَرُوهُ وَاتَّبَعُوا النُّورَ الَّذِي أُنزِلَ مَعَهُ ۖ أُولَٰئِكَ هُمُ الْمُفْلِحُونَ

*Thus, those who have faith in him, strengthen him and aid him, and follow the Light that has been sent down with him: they are the successful ones!*¹⁹

Thus, dear Muslim, when you know that this Magnificent Qur'an is the Light that Allah has sent down for illumination and for its guidance to be followed in His earth, then how can you accept your perception being blinded from the light?

So do not be as blind as a bat in your perception, and beware of being amongst those about whom it is said:

خفافيش أعماها النهار بضوئه ووافقها قطع من الليل مظلم
مثل النهار يزيد أبصار الورى نوراً ويعمي أعين الخفاش

*Bats are blinded by the daylight
And further by the darkness of night.
The day illumines those who are wise
But blinds the perception of bats' eyes.*

يَكَادُ الْبَرْقُ يَخْطَفُ أَبْصَارَهُمْ

*The lightning nearly snatches away their sight.*²⁰

أَفَمَنْ يَعْلَمُ أَنَّمَا أُنزِلَ إِلَيْكَ مِنْ رَبِّكَ الْحَقُّ كَمَنْ هُوَ أَعْمَى ۗ إِنَّمَا يَتَذَكَّرُ أُولُو الْأَلْبَابِ

*So is one who knows that what has been sent down to you from your Lord is Truth, like one who is blind? Only the people of insight reflect truly.*²¹

There is no doubt that one whose perception has been blinded to the light will tumble in darkness.

وَمَنْ لَمْ يَجْعَلِ اللَّهُ لَهُ نُورًا فَمَا لَهُ مِنْ نُورٍ

*And for whomever Allah does not provide Light, there is no Light!*²²

From this discussion you now know, dear impartial Muslim, that it is obligatory upon you to seriously and diligently learn the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, via beneficial and productive means, and to act by all that Allah teaches you in the form of correct knowledge from these two sources.

¹⁸ *Al-Taghabun* (Mutual Profit and Loss, 64:8)

¹⁹ *Al-A'raf* (The Heights, 7:157)

²⁰ *Al-Baqarah* (The Cow, 2:20)

²¹ *Al-Ra'd* (Thunder, 13:19)

²² *Al-Nur* (Light, 24:40)

You should also know that learning the Book of Allah and the Sunnah of His Messenger in these times is much easier than in the earliest generations. This is because of the ease of knowing related matters: the abrogating and the abrogated, the universal and the specific, the absolute and the conditioned, the general and the explained, the situations of the narrators of hadith and distinguishing between authentic and weak hadiths. This is because all of this has been attested, precisely determined and compiled, making it easy to attain today. Thus, for every verse from the Book of Allah, it is known what has been related about it from the Prophet, may Allah bless him and grant him peace, and then from the Companions, the Followers and the Great Commentators. Furthermore, all the hadiths narrated from the Prophet, may Allah bless him and grant him peace, have been preserved and compiled: the state of the chains and texts of narration is known, as well as hidden defects and other weaknesses.

Thus, all the conditions that some scholars placed upon *ijtihad* are extremely easy to attain for anyone whom Allah has nourished with understanding and knowledge. The abrogating and the abrogated, the universal and the specific, the absolute and the conditioned, and so on: all of these are easy to know for any student of the Book and the Sunnah whom Allah has nourished with understanding and granted him the capability to learn the Book of Allah and the Sunnah of His Messenger.

Critique of Sawi’s view that holding to the apparent meanings of the Book & Sunnah is one of the principles of kufr (blasphemy)

Know, dear impartial Muslim, that amongst the most grotesque falsehoods and serious statements of untruth made about Allah and His Book, and about the Prophet and his Purified Sunnah, is what Shaykh Ahmad al-Sawi said in his commentary on *Tafsir al-Jalalayn*, under *Surah al-Kahf* (The Cave, 18) and *Aal- ‘Imran* (The Family of Amram, 3), a statement that has deceived an uncountable number of those labelled as seekers of knowledge because they do not distinguish between truth and falsehood.

The aforementioned Ahmad al-Sawi said in his commentary on the Exalted’s saying,

**وَلَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذَلِكَ غَدًا
إِلَّا أَنْ يَشَاءَ اللَّهُ**

Do not say about anything: I will surely do it tomorrow, except (by adding) if Allah wills,²³ mentioning various views about stating the exceptional clause, i.e. “if Allah wills (in sha’ Allah)” after a time-delay,

“The generality of the Four *Madhhabs* oppose all of that, for the condition of releasing an oath by the exceptional clause is for it to be continuous, and for the objective to be releasing of the oath. A short time-delay caused by drawing breath, coughing or sneezing does not matter. *It is not permitted to follow the opinion of any Madhhab outside The Four, even if such an opinion agrees with the saying of a Companion, an authentic hadith or a verse [of the Qur’an]. This is because the one leaving the Four Madhhabs is astray and misleading others: this may even lead him to kufr (infidelity), because holding to the apparent meanings (zawahir) of the Book and the Sunnah is one of the principles of kufr.*” [Emphasis added]

²³ *Al-Kahf* (The Cave, 18:23-24)

So consider, my brother, may Allah have mercy upon you, how grotesque and false is this statement, and how audacious is the author of it before Allah and His Book, and before the Prophet, may Allah bless him and grant him peace, and his Sunnah and his Companions.

سُبْحَانَكَ هَذَا بُهْتَانٌ عَظِيمٌ

Glory be to You! This is a great calumny.²⁴

As for his saying that it is not permitted to leave views in the Four *Madhhabs*, even if these go against the Book and the Sunnah and the sayings of the Companions, then this is a false statement according to the Book, the Sunnah, the Consensus (*ijma'*) of the Companions, may Allah be pleased with them, and of the Four Imams themselves, as will be fully explained in later sections. Thus, anyone who promotes this view is the one who is astray and misleading others!

As for his saying, “*holding to the apparent meanings (zawahir) of the Book and the Sunnah is one of the principles of kufr,*” this is also one of the most grotesque and serious falsehoods. The author of the statement is one of the greatest amongst men in violating the sanctity of the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace.

سُبْحَانَكَ هَذَا بُهْتَانٌ عَظِيمٌ

Glory be to You! This is a great calumny.²⁵

The correct view, about which there is no doubt, is that which the Companions of the Messenger of Allah, may Allah bless him and grant him peace, and the generality of the people of knowledge amongst the Muslims were upon: that it is not permitted to depart from the apparent meaning (*zahir*) of the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, under any circumstances, unless sound Sharia evidence is established to divert us from the apparent meaning to an otherwise-unlikely possibility.

Moreover, the saying that acting upon the apparent meaning of the Book and the Sunnah is a principle of *kufr*, cannot possibly issue from a person of knowledge of the Book of Allah and the Sunnah of His Messenger: it can only come from someone who has no knowledge of the Book and the Sunnah at all. This is because, due to his ignorance of them, believes that their apparent meaning is *kufr*; however, the actual reality is that their apparent meaning is as far away from his conception as the sun is from our touch.

This may be explained further by the fact that Sawi’s conception that this verse of *al-Kahf* (The Cave) refers, in its apparent meaning, to the releasing of oaths upon the condition of the time-delayed exceptional clause and that this is contrary to the Four *Madhhabs*, and upon which he built his statement that acting by the apparent meaning of the Book and the Sunnah is a principle of *kufr*: all of it is baseless and false.

²⁴ *Al-Nur* (Light, 24:16)

²⁵ *Al-Nur* (Light, 24:16)

The apparent meaning of the verse is far away from his conception. In fact, his conception and claim have nothing to do with the verse: it does not indicate it at all, whether by indication of correspondence, inclusion or congruence, never mind being its apparent meaning!

The circumstances of revelation of this verse make this clear: the disbelievers asked the Prophet, may Allah bless him and grant him peace, about The Spirit (*al-Ruh*), the People of the Cave (*Ashab al-Kahf*) and the Two-Horned One (*Dhul-Qarnain*): he replied, “I shall tell you tomorrow” and did not say, “if Allah wills.” Thus, His Lord corrected him for not explicitly referring the matter to Him and conditioning it upon His will, Majestic and High, so the revelation in answer to their question was delayed. Then, Allah taught him the answers as well as the etiquette with Him by saying:

وَلَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذُلِكَ غَدًا
إِلَّا أَنْ يَشَاءَ اللَّهُ ۗ وَادْكُرْ رَبَّكَ إِذَا نَسِيتَ

Do not say about anything: I will surely do it tomorrow, except (by adding) if Allah wills, and remember your Lord when you forget.²⁶

i.e. if you said, “I will do such-and-such tomorrow” and forgot to say, “if Allah wills,” but remembered afterwards, then remember your Lord and say, “if Allah wills,” that you may thus correct the etiquette with Allah that you missed at its original time due to forgetfulness and thus escape the prohibition in the Exalted’s saying:

وَلَا تَقُولَنَّ لِشَيْءٍ إِنِّي فَاعِلٌ ذُلِكَ غَدًا
إِلَّا أَنْ يَشَاءَ اللَّهُ

Do not say about anything: I will surely do it tomorrow, except (by adding) if Allah wills.²⁷

Thus, stating the time-delayed exceptional clause for the sake of the meaning mentioned, which is the correct, apparent meaning of the verse, does not oppose any *Madhhab*, whether The Four or any other. It is also, upon careful consideration, the intent of Ibn ‘Abbas in what is narrated from him about the permissibility of delaying the exceptional clause, as explained by the Senior Commentator, Abu Ja’far Ibn Jarir al-Tabari, may Allah have mercy upon him.

We have already presented a full explanation of this matter under the verse of *The Cave*. So O followers of Sawi, following his opinion blindly upon blind ignorance! Where does the apparent meaning of the verse of *The Cave* indicate this about swearing oaths by Allah regarding divorce, freeing slaves or other matters?

Did the Prophet, may Allah bless him and grant him peace, utter an oath when he replied to the disbelievers, “I shall inform you tomorrow?”

And did Allah say: *Do not say about anything, I will surely swear an oath to do that tomorrow?*

²⁶ *Al-Kahf* (The Cave, 18:23-24)

²⁷ *Al-Kahf* (The Cave, 18:23-24)

So from where did you bring oaths into the matter, such that you said that the apparent meaning of the Qur'an is to release oaths with a time-delayed exceptional clause, and established upon that that the apparent meaning of the verse opposes the *Madhhabs* of the Four Imams, and that acting upon the apparent meanings of the Book and the Sunnah is a principle of *kufr*?

This may be further explained by Sawi's comments also under *Surah Aal- 'Imran* (The Family of Amram, 3:7),

فَأَمَّا الَّذِينَ فِي قُلُوبِهِمْ زَيْغٌ فَيَتَّبِعُونَ مَا تَشَبَهَ مِنْهُ ابْتِغَاءَ الْفِتْنَةِ وَابْتِغَاءَ تَأْوِيلِهِ

Then, as for those in whose hearts is a crookedness, they follow its allegories, seeking mischief and seeking its true meaning.

Sawi stated here, "*Crookedness, i.e. deviating from truth to falsehood by falling into misconceptions and confusion such as the Christians of Najran and those who followed their way amongst those who held to the apparent meaning of the Qur'an, for the people of knowledge have mentioned that one of the principles of kufr is holding to the apparent meanings of the Book and the Sunnah.*"

So see, may Allah have mercy upon you, how grotesque and false is this statement! And how audacious is its author in violating the sanctities of Allah and His Book, His Prophet and his Sunnah, may Allah bless him and grant him peace! And how indicative it is that the author does not know the matters of which he speaks! For he has termed the saying of the Christians of Najran as the apparent meaning of the Book of Allah and thus compared anyone who holds to the apparent meaning of the Qur'an with them, regarding them as following a similar path. He then claimed that the people of knowledge have stated that holding to the apparent meanings of the Book and the Sunnah is amongst the principles of *kufr*. This is despite the author not knowing how the understanding of the Christians of Najran of the apparent meaning of the Qur'an is *kufr*, yet he accepts their claim that the apparent meaning of the Qur'an is *kufr* as correct and therefore that holding to the apparent meanings of the Book and the Sunnah, as they did and others did similarly, is amongst the principles of *kufr*.

Sawi had stated before that, "*It is said that the cause of revelation of this verse was that the delegation of Najran had said to the Prophet, may Allah bless him and grant him peace: 'Do you not say that Jesus is the Spirit of God and His Word?' He replied, 'Yes.' They said, 'This suffices us,' i.e. in his being the Son of God according to them, so the verse was revealed.*"

Thus, it becomes clear that Sawi believes that the claim of the Christians of Najran that the apparent meaning of the Exalted's statement that Jesus is

وَكَلِمَتُهُ أَلْقَاهَا إِلَى مَرْيَمَ وَرُوحٌ مِنْهُ

His Word, that He cast unto Mary, and a Spirit from Him²⁸ is that Jesus is the Son of God, is a correct claim! Hence, he built upon this that the people of knowledge said

²⁸ *Al-Nisa'* (Women, 4:171)

that holding to the apparent meanings of the Book and the Sunnah is amongst the principles of *kufr*.

All of this is amongst the most grotesque and serious falsehood, for the verse in question: it cannot be understood from it at all, in any sense, by any indication, that Jesus is the Son of God: the claim of the Christians of Najran in this regard is a pure lie.

Thus, Sawi's statement, "... such as the Christians of Najran and those who followed their way amongst those who held to the apparent meaning of the Qur'an ..." explicitly shows that he believes that the claim of the Najran delegation that Jesus is the Son of God as per the apparent meaning of the Qur'an. This is a false, false, false belief – the Magnificent Qur'an is free of this open *kufr* being its apparent meaning! Rather, the Qur'an does not indicate it at all, never mind it being its apparent meaning! The Exalted's saying:

وَرُوحٌ مِنْهُ

a Spirit from Him, is like His saying,

وَسَخَّرَ لَكُمْ مَا فِي السَّمٰوٰتِ وَمَا فِي الْاَرْضِ جَمِيعًا مِنْهُ

*He has made subject to you, whatever is in the heavens and whatever is in the earth, all of it, from Him,*²⁹ i.e. that all of that: Jesus and the subjection of the heavens and the earth, its origin and source is the Majestic, the High. The word "**from**" in the two verses refers to the origin of the goal – this is the apparent meaning of the Qur'an, and it is the truth, contrary to what Sawi imagined and quoted from the Christians of Najran.

Our discussion clarifies that those who say, "holding to the apparent meanings of the Book and the Sunnah is amongst the principles of *kufr*" do not know what apparent meanings are. Furthermore, they believe something to be the apparent meaning of the text, but in reality, the text does not indicate it in any sense, never mind being its apparent meaning! Thus, they built falsehood upon falsehood: there is no doubt that only falsehood can be built upon falsehood!

Had they conceived the apparent meanings of the Book and the Sunnah correctly, this would have prevented them from saying what they did.

However, Sawi imagined that the apparent meaning of the aforementioned verse of *The Cave* was the releasing of oaths via a time-delayed exceptional clause ("if Allah wills"), and built upon this that the apparent meaning of the verse opposed the *Madhhabs* of the Four Imams, and that holding to the apparent meanings of the Book and the Sunnah is amongst the principles of *kufr*, even though the verse does not indicate at all what he believed to be its apparent meaning.

Similarly, his belief that the apparent meaning of the aforementioned verse of *The Family of Amram* is as was claimed by the Christians of Najran: that Jesus is the Son of God. Truly, all of it is falsehood and nothing to do with what he imagined to be the apparent meaning of the Qur'an at all, as is not hidden from an intelligent person.

²⁹ *Al-Jathiyah* (The Kneeling, 45:13)

Furthermore, Sawi's aforementioned claim that, "*the people of knowledge have mentioned that one of the principles of kufr is holding to the apparent meanings of the Book and the Sunnah,*" is a false statement: there is no doubt about its falsehood for anyone with even the least understanding. For who are the people of knowledge who said that holding to the apparent meanings of the Book and the Sunnah is amongst the principles of *kufr*? Name them for us, and explain to us who they are?

The truth, about which there is no doubt, is that this statement could be said neither by a person of knowledge nor by a seeker of knowledge, for the apparent meanings of the Book and the Sunnah are the Light of God that He has sent down upon His Messenger for His earth to be illuminated, His limits to be established, His commands to be implemented and for justice to be meted out amongst His servants in His earth.

The clear-cut texts that have no possible alternative interpretations are very rare, such as the Exalted's saying:

فَمَنْ لَمْ يَجِدْ فَصِيَامُ ثَلَاثَةِ أَيَّامٍ فِي الْحَجِّ وَسَبْعَةٍ إِذَا رَجَعْتُمْ

**... then fast three days during the Hajj and seven when you return:
that is a complete ten.³⁰**

But mostly, the dominant situation is that the texts of the Book and the Sunnah are apparent meanings [i.e. they entertain other possible meanings, but the apparent meanings are given precedence unless an overriding factor intervenes].

It is a fact that all Muslims have agreed unanimously that acting by the apparent meaning (*zahir*) is obligatory unless a Sharia indication appears to divert us from this to an otherwise-unlikely possibility: this is the agreed position of all those who spoke about the principles of the religion (*usul*).

Thus, turning people away from the Book of Allah and distancing them from it and from the Sunnah of His Messenger, via the claim that holding to their apparent meanings is a principle of *kufr*, is amongst the most grotesque and serious falsehoods, as you can see. This is because it is obligatory upon every Muslim to beware the principles of *kufr* fully, distance himself from them totally and stay away from their causes completely; whereas this rejected, grotesque view demands the obligation of distancing oneself from holding to the apparent meanings of the revelation.

As you can see from this, and from our discussion, it is clear that amongst the most serious causes of misguidance is the claim that the apparent meanings of the Book and the Sunnah indicate ugly, inappropriate meanings. However, the reality of the situation is that the meanings of the revelation are far from this and totally free of it!

The cause of this grotesque claim about the apparent meanings of the Book of Allah and the Sunnah of His Messenger is the lack of understanding on the part of the claimant. Because of this great tribulation and major disaster, many scholars who have some understanding, imagine that the apparent meanings of the verses and hadiths about the Attributes of Allah are unworthy of Him, because their immediately-apparent meanings entail the Attributes of Allah resembling the attributes of His creation.

³⁰ *Al-Baqarah* (The Cow, 2:196)

On *Ijtihad* [Refutation of the Zahiri view that *ijtihad* is not allowed]

Know firstly that we have presented the falsity of the view of the Zahiris that *ijtihad* is absolutely not permitted. We have also said that some *ijtihad* is correct, agreeing with the noble law: we have explained this clearly in *The Prophets* under His saying, the Exalted,

وَدَاوُدَ وَسُلَيْمَانَ إِذْ يَحْكُمَانِ فِي الْحَرْثِ

“And (remember) David and Solomon, when they judge about the tilth ...”³¹

We have also explained some of this in *The Children of Israel*, when commenting about His saying, the Exalted:

وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ

“Do not follow the path of which you have no knowledge ...”³², so there is no need to repeat that here.

Our purpose regarding this question is to explain that reflecting upon the Qur’an, and benefiting from doing so by acting upon the knowledge gained from this, as indicated by His saying the Exalted in this noble verse under discussion,

أَفَلَا يَتَذَكَّرُونَ الْقُرْآنَ أَمْ عَلَى قُلُوبٍ أَقْفَالُهَا

“So, do they not reflect upon the Qur’an, or do hearts have their locks upon them?” – this is not dependent upon attaining the rank of absolute *ijtihad* with its known conditions according to the later *usuli* scholars.

Know firstly that the later *usuli* scholars who say that acting upon the Book and the Sunnah is absolutely forbidden except for the *mujtahids*, say that the conditions of *ijtihad* are for the *mujtahid* to be:

- (i) adult;
- (ii) sane;
- (iii) naturally strong in understanding;
- (iv) aware of intellectual indication, i.e. that rulings are essentially non-existent until a tradition changes this situation;
- (v) knowledgeable in the Arabic language and its grammar, morphology and rhetoric;
- (vi) familiar with realities of the Sharia and of custom;
- (vii) some add the necessity of elements of logic such as the conditions of definitions, limits and conditions of proof;
- (viii) familiar with *usul*;
- (ix) familiar with the indications of rulings from the Book and the Sunnah;
- (x) they do not stipulate memorisation of the texts: it is enough to know where to find these in the written Qur’an and in the books of Hadith;

³¹ *Al-Anbiya*’ (The Prophets, 21:78)

³² *Banu Isra’il / al-Isra*’ (The Children of Israel / The Night-Journey, 17:36)

- (xi) familiar with the matters that are agreed as well as those that are disputed;
- (xii) familiar with the conditions of *mutawatir*, *ahad*, authentic and weak narrations;
- (xiii) familiar with the abrogating and the abrogated;
- (xiv) familiar with the circumstances of revelation;
- (xv) familiar with the nature of the Companions and of the narrators of Hadith;
- (xvi) they disagreed as to whether or not it is a condition for the *mujtahid* to not deny analogical reasoning (*qiyas*).

It is clear that their basis for stipulating these conditions is neither texts from the Book and the Sunnah stating that acting upon the Book and the Sunnah is not correct without such conditions, nor consensus (*ijma'*) indicating this. Their basis is actually the realisation of the scope of the jurisprudential ruling (*tahqiq al-manat*), in their view.

To explain this: the Book of Allah, the Sunnah of His Messenger, may Allah bless him and grant him peace, and the consensus of the Muslims all indicate that acting upon the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, has only one condition: knowledge of the commandments about what is to be acted upon from these two sources. To act upon the revelation, there is no other condition at all besides knowledge of the commandment: almost no-one would dispute this.

The intention of the later *usuli* scholars in stipulating all those conditions was to realise the scope of the jurisprudential ruling (*tahqiq al-manat*). This is because, since knowledge of the revelation provides the scope of action upon it, they wished to realise this scope, i.e. to clarify the ways by which this knowledge may be attained, being the scope of action. Thus, they stipulated all the conditions mentioned, thinking that it is not possible to realise the attainment of knowledge of the revelation without them.

But this line of thinking may be criticised. For every person with understanding: when he wishes to act upon a text of the Book or the Sunnah, it is neither forbidden nor impossible for him to learn its meaning and to find out whether or not it is abrogated, specified or conditioned, such that he may learn this and act upon the text. Asking the people of knowledge, for example: "Does this text have an abrogator, specifier or conditioner?" and receiving their answer is not a type of *taqlid* (following an opinion without evidence), but a type of *ittiba'* (following the revelation).

We shall explain, if Allah wills, the difference between *taqlid* and *ittiba'* in the section on *taqlid* below.

In summary, innumerable texts of the Book and the Sunnah enjoin upon legally-responsible people that they must act upon the the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace. In none of these texts is the specification that this is limited to those who attain the conditions of *ijtihad* mentioned above. We shall mention some of these texts to clarify that it is not permitted to specify them only for those who attain the above-mentioned conditions (of *ijtihad*).

There is no doubt amongst any of the people of knowledge that the obedience to Allah and His Messenger, mentioned in these verses and hadiths, is manifested in acting by the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace. The texts of the Qur'an and the Sunnah all indicate the obligation of reflecting upon the revelation, seeking to understand it, learning it and acting by it. Thus, specifying all those texts by claiming that reflecting upon the revelation, seeking to understand it and act by it – saying that none of this is correct except for the *mujtahids* who fulfil all the conditions of *ijtihad* known to the later *usuli* scholars – this needs an indication and binding evidence. There is no such evidence at all. Rather, the evidence of the Book and the Sunnah indicates the obligation of reflecting upon the revelation, seeking to understand it, learning it and acting upon everything that has been learnt from it correctly, whether a little or a lot.

This question overlaps with the previous one, so they are like one question in essence.

On Taqlid

In this section, we explain the meaning of *taqlid* linguistically and conventionally, its types, and which of them are correct or not.

Definitions of taqlid & Madhhab

Know that *taqlid* linguistically means putting a garland around a neck. As for *taqlid* in the convention of the jurists, it means to accept the position of another without knowing their evidence for it. *Ijtihad* is not correct at all when it opposes an unequivocal text of the Book or authentic sunnah, free of any contradictory factors. This is because the Book and the Sunnah are a proof upon everyone, whoever they may be: it is inconceivable for anyone to oppose these two sources, whoever they may be. Thus, we must be alert to this point, for any position (*madhhab*) in which *taqlid* is possible is restricted only to matters of *ijtihad* and does not include matters in which there is an unequivocal text from the revelation, free of any contradictory factors.

The Shaykh al-Hattab said in his commentary upon the statement of Khalil in his *Mukhtasar (The Abridgement according to the Madhhab of Imam Malik bin Anas)*,

“Linguistically, *madhhab* means the path and destination of travel. For the jurists, the term came to mean the conventional reality of the position adopted by an Imam relating to a ruling by *ijtihad*.”

Thus his saying, “relating to a ruling by *ijtihad*” indicates that the term *madhhab* does not apply to issues addressed by unequivocal Sharia texts, free of any contradictory factors. This is a matter about which there is no disagreement, due to the consensus of the people of knowledge that if the absolute *mujtahid* derives an indication via his *ijtihad* that opposes an unequivocal text from the Book, the Sunnah or consensus (*ijma'*), then his indication is undoubtedly false and is to be rejected because of the flaw known in *Usul* as “inapplicable” or “corrupt in consideration” (*fasad al-i'tibar*).

Inapplicability (*fasad al-i'tibar*), the disagreement of an indication with an unequivocal text or consensus, is amongst the flaws that indisputably falsifies the indication. The author of *Maraqat al-Su'ud (Stairways to Felicity)* referred to this in his mention of such flaws:

والخلف للنص أو إجماع دعا فسادا لاعتبار كل من وعى

*Contradicting the unequivocal text or consensus, in indication
Is, for those aware, corrupt in consideration.*

Thus, there is fundamentally no *ijtihad*, and fundamentally no *taqlid*, in a matter that opposes a clear text of the Book, the Sunnah or Consensus (*ijma'*). Once you know this, then further know that some later Muslims allowed *taqlid* even if it opposed the texts of revelation, as we have mentioned about Sawi and his ilk. This is also the position of most of those who engage in *taqlid* of *Madhhabs* in our times and those preceding them.

Some of the people of knowledge prohibited *taqlid* absolutely, including Ibn Khuwaiz Mindad amongst the Malikis and Shawkani in his *al-Qawl al-Mufid fi Adillat al-*

Ijtihad wa l-Taqlid (The Beneficial Word about the Indications of Ijtihad and Taqlid). But careful analysis shows that some *taqlid* is permissible, whereas other *taqlid* is not permissible. The latter includes cases where later scholars opposed the early Muslims such as the Companions and others from the three preferred generations. We will now mention all these types of *taqlid* God-willing, with explanation of the underlying evidence.

Permissible and impermissible *taqlid*

As for the permissible *taqlid*, that almost no Muslim opposes, it is the *taqlid* of the common person towards a person of knowledge who is qualified to give a *fatwa* regarding a situation that has befallen that person. This type of *taqlid* was widespread during the time of the Prophet, may Allah bless him and grant him peace: the common person would ask whoever he wished amongst the Companions of the Messenger of Allah, may Allah bless him and grant him peace, about the ruling regarding a situation that had befallen him; the one asked would give him a *fatwa*, and the person would abide by this *fatwa*. If another situation befell him, he would not restrict himself to the Companion who gave him the *fatwa* the first time: rather, he would ask whoever he wished amongst the Companions of the Messenger of Allah, may Allah bless him and grant him peace, and then follow that *fatwa*.

The author of *Nashr al-Bunud (Untying the Knots)* said in commentary upon the statement in *Maraqī al-Su'ud (Stairways to Felicity)*,

رجوعه لغيره في آخر يجوز للإجماع عند الأكثر

*His referring, in another situation, to a different authority
Is permissible due to consensus, according to the majority.*

“That is, that the common person is permitted by the majority to refer to the view of a different *mujtahid* than the one who gave him a *fatwa* in the first instance, in another case. This is because of the consensus of the Companions, may Allah be pleased with them, that it is appropriate for a common person to ask any person of knowledge, and because every situation has an independent ruling. Thus, just as the person was not obliged to follow the first *mufti* [amongst all the possible *muftis*] except after asking him, similarly for the other situation [i.e. he can ask whomever he wishes]. This was stated by Hattab, the commentator on *Mukhtasar Khalil*.

Qarafi said: The Consensus (*Ijma'*) has become binding, that anyone who becomes a Muslim may follow the opinion (*taqlid*) of any person of knowledge they wish, without any barriers.

The Companions had a consensus (*Ijma'*) that anyone who asked Abu Bakr or 'Umar for a *fatwa* and followed their opinion (*taqlid*), they were free to ask Abu Hurayrah, Mu'adh bin Jabal and others for a *fatwa* [in other matters] and act on their opinion without this being disapproved of. Thus, anyone who claims that these two matters of consensus (*ijma'*) have been lifted, must bring proof.”

What he mentioned of the two matters of consensus (*ijma'*) becoming binding is clearly correct, for the opposing views of later *usuli* scholars are all opposing Consensus (*Ijma'*).

Some of the people of knowledge say that the common person's following the opinion of a person of knowledge and acting by his fatwa is a type of *ittiba'* (following) and not *taqlid*. The truth is that this an approved *taqlid*, with consensus (*ijma'*) upon its approval.

As for what is indisputably not allowed of *taqlid*, it is for a *mujtahid* for whom the ruling is apparent via his *ijtihad*, to follow the opinion (*taqlid*) of another *mujtahid* who takes a different view. This is because of the consensus (*ijma'*) that when a ruling becomes apparent to a *mujtahid* via his *ijtihad*, it is not permitted for him to follow the opinion (*taqlid*) of another who has a different view.

As for the type of *taqlid* in which the later scholars opposed the Companions and others from the generations whose goodness has been attested to, it is to exclusively follow the opinion (*taqlid*) of one man, to the exclusion of all other people of knowledge. For this type of *taqlid*, there is no text from the Book or the Sunnah; none of the Companions of the Messenger of Allah, may Allah bless him and grant him peace, took this view, nor did any of the three the generations whose goodness has been attested to. This type of *taqlid* is contrary to the statements of the Four Imams, may Allah have mercy upon them, for none of them advocated solidifying upon the views of one specific man to the exclusion of all others from amongst the people of knowledge amongst the Muslims. The following of the opinion (*taqlid*) of a specific person of knowledge is amongst the innovations of the fourth century AH. Whoever claims contrary to this, let him specify to us a single person from the first three generations (or centuries) who followed only the opinions of one specific person: he will not be able to do that at all, for it never happened.

Now, we shall mention a number of statements of the people of knowledge regarding the inadmissibility of this type of *taqlid*, along with the arguments advanced by its proponents and discussion of these. After explaining all of that, we will explain what is clear to us, with evidence, of the correct and true position, if Allah wills.³³

In his *I'lam al-Muwaqqi'in*, Ibn al-Qayyim mentioned about thirty arguments of the *muqallideen*, and then refuted them from eighty-one aspects.³⁴

Another self-contradiction by the *muqallideen*

It is amazing that some *muqallideen* justify their *taqlid* by 'Umar's reluctance to differ from Abu Bakr, whereas they themselves have no reluctance to differ from both Abu Bakr and 'Umar, from the rest of the Companions and even from the Book and the Sunnah if these do not correspond with the position of their Imam, as is known

³³ Translator's note: We have omitted dozens of pages of the discussion here, for reasons of brevity, sufficing with the Shaykh's conclusions and brief discussions of some major points.

³⁴ See Appendix Three for a correction of major, contemporary misquote from Ibn al-Qayyim: writers in Arabic and English quoted only from his presentation of *muqallid* arguments, and not from his comprehensive refutation of these arguments from eighty-one angles! (Translator's note)

from their habit. Sawi made this clear, as we have quoted from him under *The Cave* (18:24-23): he said that anyone who takes a position outside that of the Four *Madhhabs* is misguided and misleading others, even if he agrees with the Companions, authentic hadiths and Qur'anic verse; and that this may even lead the person to blasphemy, because holding on to the apparent meanings of the Book and the Sunnah is one of the principles of blasphemy.

If the above is one's position and religion, how can he possibly use as evidence the reluctance of 'Umar to differ from Abu Bakr? Furthermore, how can he possibly use as evidence a text of revelation, or the saying of any of the Companions of the Messenger of God, may Allah bless him and grant him peace?

The obligation upon Muslims

Thus, the obligation upon the Muslims is to learn the Book of Allah and the Way of His Messenger, and to act upon what they learn from these two sources. The obligation upon the masses who are unable to learn, is to ask the people of knowledge and to act upon the latter's *fatwas* for them.

Important Notes About This Issue

Firstly: Two misconceptions of the muqallideen

The first of these is their assumption that the Imam whom they are following (without knowing the evidence) must have encompassed all of the meanings of the Book of God and all of the Sunnah of the Messenger of God, without any of these escaping them.

Thus, every verse and hadith that contradicts the Imam's view: they have no doubt that the Imam knew that verse or hadith and its meaning, and that he only took a different view because he was aware of a stronger indication. Thus, it is necessary to prefer that stronger indication that they imagine over the revelation in front of them.

This assumption is, without doubt, false: all of the Imams confessed that they had not encompassed all the texts of revelation and explicitly denied this assumption. The strict conclusion is what the Imams themselves said, may Allah have mercy upon them: that they are liable to error, and they forbade following them in anything opposing clear texts of the Book and the Sunnah.

The person who truly follows them is the one who does not promote anything ahead of the Book and the Sunnah. As for the person who puts the views of men ahead of the Book and the authentic Sunnah, he is opposing the Imams, not following them. Thus, the claim of their (*muqallid*) followers is pure falsehood.

The second of these matters is their assumption that their errors in following an Imam without evidence are excused, and that they are rewarded, in the same way as the Imam is excused for his errors and rewarded, because they are following him. This is, without doubt, also a false assumption.

The Imam strove to his utmost in learning the Book, the Sunnah, the views and *fatwas* of the Companions, leaving no stone unturned in the necessary pursuit of knowledge of the revelation, following it and obeying God in the light of the revelation. Such a person is eminently worthy of being excused for his errors and rewarded for his *ijtihad*.

As for those who followed him without evidence, they abandoned insight into the Book and Sunnah and totally turned away from learning these, despite the ease of doing so. They placed the views of men, who are capable of truth and error, at the level of revelation descended from God. How then can they be compared to the Imams whom they follow without evidence? This clearly indicates that such people are neither rewarded nor excused when they err whilst following blindly, for there is no example to be followed when it is other than the truth. How can such followers be compared to the Imams?

سارت مشرقة وسرت مغربا شتان بين مشرق ومغرب

She went eastwards whilst I went westwards:

What a huge difference between heading to Orient and Occident!

Secondly: The Four Imams were united in forbidding their blind taqlid

Know that the Four Imams, may Allah have mercy on them, were agreed in forbidding their blind following, that people who claim to be their followers do in a partisan way. If they were truly their followers, they would not oppose them by following them in a way that the Imams themselves forbade and prohibited.

Ibn al-Qayyim said in his *I'lam al-Muwaqqi'in*:

“The Four Imams forbade following them and criticized those who took their sayings without proof. Imam Shafi'i said: *The example of one who seeks knowledge without proof is like that of someone gathering firewood by night: he carries a bundle of firewood without knowing that it contains a python who will bite him.* This was mentioned by Bayhaqi.

Imam Muzani said at the beginning of his *Mukhtasar*, a concise collection of Shafi'i jurisprudence: *I have abridged this from the knowledge of Shafi'i, and from the meanings of his sayings, to make it easier to attain for those seeking it, that they may consult it for their deen (path to God), and cautiously adopt whatever is appropriate for them. However, I emphasise his forbidding of anyone following his or anyone else's views without evidence (taqlid).*

Imam Ahmad bin Hanbal said: *Do not follow my views without evidence, neither Malik nor Thawri nor Awza'i, but take from where they took.*

He also said: *It is from a person's limited understanding that he follows others without evidence in the matter of his religion.*

Imam Abu Yusuf said: *It is not permitted (halal) for anyone to quote our sayings or adopt our views unless they know the basis for these.*

Imam Malik explicitly said that anyone who ignored the saying of 'Umar bin al-Khattab in favour of that of Ibrahim al-Nakh'i must be asked to repent. How then would be the case of someone who ignored the sayings of Allah and His Messenger in favour of someone lesser than Ibrahim al-Nakh'i or similar in status?!”

There is no doubt that the Four Imams, may Allah have mercy upon them, forbade others from following their opinions whenever these opposed a verse or *sunnah*, as their companions have quoted from them. This is established in the books of the Hanafis on the authority of Imam Abu Hanifa, and in the books of the Shafi'is on the authority of Imam Shafi'i, who said: *If a hadith is found to be authentic, then that is my position (madhhab).* It is also established in the books of the Malikis and Hanbalis on the authority of Imams Malik and Ahmad, may Allah have mercy upon them all.

Similarly, other leading people of knowledge would forbid people from following them in anything that did not agree with the Book and the Sunnah: they would distance themselves from such views and not approve of them.

Thirdly: The Haram and Halal cannot be stated on the basis of taqlid

Know that the Book of Allah, the Sunnah of His Messenger and the consensus (*ijma'*) of reputable people of knowledge indicates that those who blindly follow the Imams are not permitted to say about anything that it is *halal* (permitted) or *haram* (prohibited). This is because the *halal* and *haram* are only what Allah and His Messenger have permitted or prohibited in the Qur'an and the Sunnah. Such a blind follower is not allowed to say anything more than, "This ruling was stated or given in a fatwa by the Imam whom I follow."

The indications in the Qur'an around this are: *Surah Yunus (Jonah, 10:59)*, *Surah al-An'am (Cattle, 6:150)* and *Surah al-Nahl (The Honey-Bee, 16:116)*.

This is further clarified by the consideration that the blind follower who states that something is *halal* or *haram*, without knowledge that it has been permitted or prohibited by Allah or His Messenger, is definitely speaking about Allah without knowledge. All of these matters are prohibited in the above verses, and speaking about Allah without knowledge is prohibited in *Surah al-A'raf (The Heights, 7:33)* and *Surah al-Baqarah (The Heifer, 2:169)*.

As for the Sunnah, Imam Muslim transmitted in his *Sahih* that whenever the Messenger of Allah, may Allah bless him and grant him peace, would appoint a commander over an army or raiding-party, he would personally advise him to remain conscious of God and to ensure the welfare of the Muslims with him. He would then say: *Go forth with the Name of God in the Way of God! Fight whoever denies God ... If you besiege the people of a fort and they wish to make an agreement with you upon the judgment of God, then do not do so, but rather make an agreement with them upon your judgment, for you do not know whether or not your judgment in their case is the judgment of God.*"

The above contains an explicit prohibition from the Prophet, may Allah bless him and grant him peace, of attributing a judgment to God unless one knows that this is the case. This is why the people of knowledge would not dare to say that something was *halal* (permitted) or *haram* (prohibited) without a clear text from the Qur'an or the Sunnah.

Ibn 'Abdul Barr said in his *Jami' Bayan al-'Ilm (Compendium of the Explanation of Knowledge)*:

"Rabi' bin Khaytham said: *Beware of saying, 'Allah has prohibited or forbidden such-and-such,' lest Allah says, 'You have lied! I did not prohibit or forbid it.'* Similarly, saying, *'Allah has permitted or commanded such-and-such,' lest Allah says, 'You have lied! I did not permit or command it.'*

Imam Malik said: *It was neither the way of the people, nor of our predecessors; neither did I come across anyone whose example I followed, saying about anything: this is halal and this is haram. They would not dare to do that, but only say: We dislike this, or: We see this as good, or: We avoid this, and we do not hold this view. They would not say: halal or haram. Have you not heard the saying of Allah, Mighty and Exalted,*

قُلْ أَرَأَيْتُمْ مَا أَنْزَلَ اللَّهُ لَكُمْ مِنْ رِزْقٍ فَجَعَلْتُمْ مِنْهُ حَرَامًا وَحَلَالًا قُلْ إِنَّ اللَّهَ أَذِنَ لَكُمْ ۗ أَمْ عَلَى اللَّهِ تَفْتَرُونَ

Say: Do you see what God has sent down to you of sustenance, then you make some of it prohibited and permitted? Say: Did God give you permission, or are you inventing lies against God?³⁵

The halal is what Allah and His Messenger have permitted, and the haram is what Allah and His Messenger have prohibited.

The meaning of this statement of Malik is that for knowledge derived from *ijtihad* or *istihsan* (a judgment that something is religiously good), they did not say: *halal* or *haram*, and Allah knows best.”

Regarding the verse,

وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتِكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ

Do not say, describing falsehood by your tongues: this is permitted and this is prohibited,³⁶

Qurtubi (Abu ‘Abdullah of Cordoba) said in his *Tafsir*:

“Darimi transmitted from A’ mash who said: *I never heard Ibrahim al-Nakh’i say ‘halal’ or ‘haram’; rather, he would say, ‘They would dislike this’ or ‘They would prefer that.’*”

Malik said: *The people’s fatwas were not to say, ‘This is halal and that is haram’; rather, they would say, ‘Beware of such-and-such’ or ‘I would not do that.’*

The meaning of this is that to permit or prohibit something is solely the preserve of God, Mighty and Exalted. It is not for anyone to speak or pass explicit judgment on this about anything, unless the Creator has told him so. As for a person’s *ijtihad* leading him to the prohibition of something, he should say, ‘I dislike this.’ This is what Malik would do, following the example of previous people of *fatwa*.”

Fourthly: The difference between *taqlid* & *ittiba’*: where *ittiba’* is a must, *taqlid* is forbidden

Know that amongst the matters that must be recognized is the difference between following (with evidence, *ittiba’*) and following blindly (without evidence: *taqlid*), and that where *ittiba’* is proper, *taqlid* is not allowed under any circumstances.

In explanation: every ruling where its indication from the Book, the Sunnah or the consensus of the Muslim is apparent: *taqlid* is not allowed regarding it under any

³⁵ *Yunus* (Jonah, 10:59)

³⁶ *al-Nahl* (The Honey-Bee, 16:116)

circumstances. This is because every *ijtihad* that contradicts the text is an invalid *ijtihad*: *taqlid* is only valid in matters of *ijtihad* because the texts of the Book and the Sunnah are decisive over every *mujtahid*: none of them have the right to contradict these, whoever he may be. *Taqlid* is not permissible in a matter contradicting the Book, Sunnah or Consensus, for no example is to be followed in other than the truth. In matters indicated by the texts, there is only *ittiba'*. There is no *ijtihad* or *taqlid* in matters indicated by the decisive text of the Book and Sunnah, with no opposing indication.

The difference between *taqlid* and *ittiba'* is a well-known matter amongst the people of knowledge: almost none of them would challenge this meaning.

Ibn Khuwayz Mindad said, as quoted by Ibn 'Abdul Barr in his *Compendium*, "In the Sharia, *taqlid* is to refer to and adopt a view for which the person has no proof: this is forbidden in the Sharia. But *ittiba'* is to follow a view upon which proof has been established." He said elsewhere in the same book, "Every person whose view you follow without this being mandated by an indication (*dalil*), then you are following them without evidence (*taqlid*), and *taqlid* in the religion of God is not correct. Every person whose view you follow because the indication (*dalil*) mandates that, then you are following them (with evidence: *ittiba'*). *Ittiba'* in religion is possible but *taqlid* is forbidden."

Ibn al-Qayyim, may Allah have mercy upon him, said in *I'lam al-Muwaqqi'in*, "Imam Ahmad, may Allah have mercy upon him, distinguished between *taqlid* and *ittiba'*. Abu Dawud said that he heard him say: *Ittiba'* is for a person to follow what has been transmitted on the authority of the Prophet, may Allah bless him and grant him peace, and his Companions. After that, amongst the Successors, the person has a choice."

The author of these lines, may Allah forgive him, says: As for acting by the revelation being *ittiba'*, not *taqlid*, then this is a definite matter. The verses indicating its naming as "following" (*ittiba'*) are very numerous:

اتَّبِعُوا مَا أَنْزَلَ إِلَيْكُم مِّن رَّبِّكُمْ وَلَا تَتَّبِعُوا مِن دُونِهِ أَوْلِيَاءَ ۗ قَلِيلًا مَّا تَذَكَّرُونَ

***Follow what has been sent down to you from your Lord.
Do not follow authorities beside Him. Little do you reflect!***³⁷

وَاتَّبِعُوا أَحْسَنَ مَا أُنزِلَ إِلَيْكُم مِّن رَّبِّكُمْ

Follow the best of what has been sent down to you from your Lord.³⁸

قُلْ إِنَّمَا أَتَّبِعُ مَا يُوحَىٰ إِلَيَّ مِنْ رَبِّي ۗ هَذَا بَصَائِرُ مِّن رَّبِّكُمْ وَهُدًى وَرَحْمَةً لِّقَوْمٍ يُؤْمِنُونَ

***Say: I only follow what has been inspired to me from my Lord. This is clear proofs
from your Lord, and a guidance and mercy for people who have faith.***³⁹

³⁷ *Al-A'raf* (The Heights, 7:3)

³⁸ *Al-Zumar* (The Companies of People, 39:55)

³⁹ *Al-A'raf* (The Heights, 7:203)

قُلْ مَا يَكُونُ لِي أَنْ أُبَدِّلَهُ مِنْ تَلْقَائِي نَفْسِي ۖ إِنْ أَتَّبَعُ إِلَّا مَا يُوْحَىٰ إِلَيَّ ۖ إِنْ أَحَافُ إِنْ عَصَيْتُ رَبِّي
عَذَابَ يَوْمٍ عَظِيمٍ

**Say: It is not for me to change it of my own accord:
I only follow what has been inspired to me.
Truly, I fear, if I disobey my Lord, the punishment of a momentous day.⁴⁰**

وَهَذَا كِتَابٌ أَنْزَلْنَاهُ مُبَارَكٌ فَاتَّبِعُوهُ وَاتَّقُوا لَعَلَّكُمْ تُرْحَمُونَ

**And this is a Book that We have sent down, Blessed:
then follow it and save yourselves, that you may receive mercy.⁴¹**

اتَّبِعْ مَا أُوحِيَ إِلَيْكَ مِنْ رَبِّكَ ۚ لَا إِلَهَ إِلَّا هُوَ ۚ وَأَعْرِضْ عَنِ الْمُشْرِكِينَ

**Follow what has been inspired to you from your Lord:
there is no god except Him! And turn away from the associaters.⁴²**

قُلْ مَا كُنْتُ بَدْعًا مِنَ الرُّسُلِ وَمَا أَدْرَىٰ مَا يُفْعَلُ بِي وَلَا بِكُمْ ۖ إِنْ أَتَّبَعُ إِلَّا مَا يُوْحَىٰ إِلَيَّ وَمَا أَنَا إِلَّا
نَذِيرٌ مُبِينٌ

**Say: I was never the first of the messengers; I know neither what will happen to me
nor you. I only follow what has been inspired to me: I am only a clear warner.⁴³**

Similar verses are numerous and known. Thus, acting by the revelation is following (*ittiba'*), as indicated by the verses. Furthermore, it is known without doubt that in following the revelation, as commanded in the verses, any *ijtihad* that opposes it in any aspect is not valid, and *taqlid* is not allowed in anything that opposes the revelation.

Thus, the difference between *ittiba'* and *taqlid* becomes clear, and that where *ittiba'* takes place, these matters are fundamentally not suitable for *ijtihad* or *taqlid*. There is no *ijtihad* or *taqlid* whatsoever for authentic, clear texts of the revelation, free of opposing indication, for to submit to them and follow them is an obligation on every person, whoever they may be, as is obvious.

Thus, you can see that the conditions for *ijtihad* that the scholars of *usul* stipulated are solely for *ijtihad*: the matters of *ittiba'* are not suitable for *ijtihad*. Moreover, to apply the conditions of *ijtihad* to *ittiba'*, despite the vast difference between the two and their domains, is confusion and ignorance, as you can see.

The principled, correct view is that the only condition for following and acting upon the revelation is that the person has knowledge of his action based on the revelation that he is following. Furthermore, it is valid to have knowledge of a verse and act by it, and to have knowledge of a hadith and act by it: this is not dependent upon attaining all the conditions of *ijtihad*.

⁴⁰ *Yunus* (Jonah, 10:15)

⁴¹ *Al-An'am* (Cattle, 6:155)

⁴² *Al-An'am* (Cattle, 6:106)

⁴³ *Al-Ahqaf* (The Winding Sand-Tracts, 46:9)

Thus, every responsible person is required to learn what he needs to from the Book and the Sunnah, to act upon all that he learns from these, as was the way of the first generations of this community, whose goodness was attested to.

Fifthly: Blind followers say: they only know their religion through taqlid of their Imam

Know that it is not hidden from us that those who follow (*taqlid*) blindly say,

“What you invite and command us to do of acting by the Book and the Sunnah, and putting these ahead of the views of men, is an impossible responsibility because we do not have the capability to know the Book and the Sunnah such that we can act by them. It is not possible for us to know any of the Sharia except by way of the Imam whose opinions we follow because neither we nor our ancestors learnt anything other than this. Thus, if we do not follow the opinions of our Imam, we will remain in confusion, knowing nothing of the rulings of our worship of God and dealings with people. The rulings amongst us will be invalidated because we do not know any judgments, *fatwas* or other rulings except by way of the *Madhhab* of our Imam. This is because we have the rulings of the latter, compiled, and these are what we learn and study together, as opposed to other sources such as the Book, the Sunnah, the views of the Companions and the *Madhhabs* of other Imams.”

We reply as follows:

By Allah, you have made a vast matter narrow and you have claimed incapability in an easy matter!

There is no doubt that the situations that hold blind followers hostage to the compiled *Madhhabs*, dictate very severe hardship in the process of transforming from blind following to becoming illuminated by the light of revelation. This only arose from a severe deficit in learning the Book and the Sunnah and turning away from these two sources totally: a situation inherited by sons from fathers and by fathers from grandfathers. Thus, the disease dominating for hundreds of years needs a long time to cure it.

We do not say that the person ignorant of the Book and the Sunnah may act upon them via his own *ijtihad*: rather, we seek refuge in Allah from saying such a thing!

But we do say: it is obligatory to learn the Book and the Sunnah – it is not permissible to turn away from them – and everything that an adult person knows from these two sources, authentic knowledge arising from authentic learning: it is obligatory to act by it.

The greatest tribulation in this matter has only arisen from the continuous inheritance of turning away from the two sources totally, and relying upon other sources instead. This is one of the greatest evils (*munkar*) and ugliest falsehoods (*batil*).

What we call to is racing to return to the two sources by acting upon them and repenting to Allah of turning away from them and of the claim that it is not possible to

learn them, a claim that is undoubtedly false to an intelligent person. We seek refuge for ourselves and our brothers with Allah from their claim against themselves that there are coverings over their hearts and a deafness in their ears that prevent them from understanding the Book of Allah, for that is a claim of the infidels and not of the Muslims. Allah the Exalted says:

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
 تَنْزِيلٌ مِنَ الرَّحْمَنِ الرَّحِيمِ
 كِتَابٌ فُصِّلَتْ آيَاتُهُ قُرْآنًا عَرَبِيًّا لِقَوْمٍ يَعْلَمُونَ
 بَشِيرًا وَنَذِيرًا فَأَعْرَضَ أَكْثَرُهُمْ فَهُمْ لَا يَسْمَعُونَ

وَقَالُوا قُلُوبُنَا فِي أَكِنَّةٍ مِمَّا تَدْعُونَا إِلَيْهِ وَفِي آذَانِنَا وَقْرٌ وَمِنْ بَيْنِنَا وَبَيْنِكَ حِجَابٌ فَاعْمَلْ إِنَّا نَعْمَلُونَ

H M! A revelation from the All-Merciful, Most Merciful: a Book, of which the Signs have been explained fully, an expressive (Arabic) recitation, for a people who know. A bringer of good news and a warner: but most of them turned away, so they do not hear. And they said: 'Our hearts are in coverings from what you invite us to, in our ears is a deafness and between us and you is a veil, so do (what you must) – truly, we are also doing (what we must).⁴⁴

Thus, my brother, have mercy upon yourself and beware of saying the same as those infidels whilst you hear your Lord saying:

وَلَقَدْ يَسَّرْنَا الْقُرْآنَ لِلذِّكْرِ فَهَلْ مِنْ مُدَكِّرٍ

Truly, We have made the Qur'an easy for remembrance, so is there any to take heed?⁴⁵

فَإِنَّمَا يَسَّرْنَاهُ بِلِسَانِكَ لَعَلَّهُمْ يَتَذَكَّرُونَ

So surely, We have made it easy by your tongue that they might reflect.⁴⁶

كِتَابٌ أَنْزَلْنَاهُ إِلَيْكَ مُبَارَكٌ لِيَدَّبَّرُوا آيَاتِهِ وَلِيَتَذَكَّرَ أُولُو الْأَلْبَابِ

A Book: We have sent it down to you, Blessed, that they may ponder its Signs and that people of insights may reflect.⁴⁷

Do not expel yourself from the generality of 'the people of depth' (*ulul-albab*) who are the people possessing intelligence: if you do that, you will have confessed that you are not amongst the intelligent.

Anyhow, blind followers have at least the following two options:

- (i) Not to pay attention to sincere advice, but to continue in their blind following, turning away intentionally from the light of revelation and

⁴⁴ *Fussilat* (Fully-Explained, 41:1-5)

⁴⁵ *Al-Qamar* (The Moon, 54:17, 22, 23, 40)

⁴⁶ *Al-Dukhan* (The Smoke, 44:58)

⁴⁷ *Sad* (S, 38:29)

putting the opinions of men forward over it.

For this, we know of no excuse from the Book of Allah or the Way of His Messenger or the sayings of any of the Companions or of anyone from amongst the earliest generations whose goodness has been attested to. This is because the reality of the blind followers' path is turning away intentionally from what Allah has revealed, despite the ease of learning the required portion of it, and replacing it with the opinions of the Imams. Whoever fits this bill despite having a sound intellect and understanding capable of learning, then you can see that he has no excuse.

- (ii) To regret their previous state of deficit in learning the revelation, and of turning away from the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, and to race to return to the Book and the Sunnah, following this path seriously and repenting of their previous shortcomings. This option is upon guidance from Allah, and it is that to which we invite our brothers.

Sixthly: Necessity Dictates Exemptions

There is no disagreement amongst the people of knowledge that necessity has special circumstances that dictate rulings different to the preferred ones. Thus, every Muslim who is truly and authentically forced by necessity towards something, then there is flexibility in his situation. Allah, Mighty and Exalted, made the state of necessity exceptional in five verses in His Book in which He mentioned four of the most severe prohibitions: carrion, blood, the flesh of swine and food dedicated to other than Allah. Allah said in the chapter: *Cattle (Surah al-An'am)*,

قُلْ لَا أَجِدُ فِي مَا أُوحِيَ إِلَيَّ مُحَرَّمًا عَلَى طَاعِمٍ يَطْعَمُهُ إِلَّا أَنْ يَكُونَ مَيْتَةً أَوْ دَمًا مَسْفُوحًا أَوْ لَحْمَ خِنزِيرٍ فَإِنَّهُ رِجْسٌ أَوْ فِسْقًا أُهْلًا لِعَيِّرٍ لِّلَّهِ بِهِ ۖ فَمَنْ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ رَبَّكَ غَفُورٌ رَّحِيمٌ

Say: I do not find in what has been inspired to me, any food prohibited to its consumer, except for carrion, blood that is made to flow, the flesh of swine – for it is impure – or anything corrupted by being dedicated to other than Allah. But if someone is forced by necessity, without transgressing or exceeding, then your Lord is Oft-Forgiving, Most Merciful.⁴⁸

He also said in *Cattle*,

وَمَا لَكُمْ أَلَّا تَأْكُلُوا مِمَّا ذُكِرَ اسْمُ اللَّهِ عَلَيْهِ وَقَدْ فَصَّلَ لَكُمْ مَا حَرَّمَ عَلَيْكُمْ إِلَّا مَا اضْطُرِرْتُمْ إِلَيْهِ

What is with you, that you eat not of that which the Name of Allah has been mentioned over it, when He has explained fully to you what He has prohibited for you, except that to which you are forced by necessity?⁴⁹

He, Exalted is He, said in *The Honey-Bee*,

⁴⁸ *al-An'am* (Cattle, 6:145)

⁴⁹ *al-An'am* (Cattle, 6:119)

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ ۖ فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَإِنَّ اللَّهَ
غَفُورٌ رَحِيمٌ

He has only prohibited upon you: carrion, blood, the flesh of swine and anything dedicated to other than Allah. But if someone is forced by necessity, without transgressing or exceeding, then Allah is Oft-Forgiving, Most Merciful.⁵⁰

He, Exalted is He, said in *The Cow*,

إِنَّمَا حَرَّمَ عَلَيْكُمُ الْمَيْتَةَ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهْلَ بِهِ لِغَيْرِ اللَّهِ ۖ فَمَنِ اضْطُرَّ غَيْرَ بَاغٍ وَلَا عَادٍ فَلَا إِثْمَ
عَلَيْهِ ۚ إِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

He has only prohibited upon you: carrion, blood, the flesh of swine and anything dedicated to other than Allah. But if someone is forced by necessity, without transgressing or exceeding, then there is no sin upon him: truly, Allah is Oft-Forgiving, Most Merciful.⁵¹

He, Exalted is He, said in *The Last Supper*,

حُرِّمَتْ عَلَيْكُمُ الْمَيْتَةُ وَالدَّمَ وَلَحْمَ الْخِنزِيرِ وَمَا أُهْلَ لِغَيْرِ اللَّهِ بِهِ وَالْمُنْخَنِقَةُ وَالْمَوْقُوذَةُ وَالْمُتَرَدِّيَةُ وَالنَّطِيحَةُ
وَمَا أَكَلَ السَّبُعُ إِلَّا مَا ذَكَّيْتُمْ وَمَا ذُبِحَ عَلَى النُّصُبِ وَأَنْ تَسْتَقْسِمُوا بِالْأَزْلَمِ ۚ ذَلِكُمْ فِسْقٌ ۗ الْيَوْمَ يَنْسُ
الَّذِينَ كَفَرُوا مِنْ دِينِكُمْ فَلَا تَخْشَوْهُمْ وَاخْشَوْنَ ۗ الْيَوْمَ أَكْمَلْتُ لَكُمْ دِينَكُمْ وَأَتَمَمْتُ عَلَيْكُمْ نِعْمَتِي
وَرَضِيْتُ لَكُمُ الْإِسْلَامَ دِينًا ۚ فَمَنِ اضْطُرَّ فِي مَخْمَصَةٍ غَيْرٍ مُتَجَانِفٍ لِإِثْمٍ ۚ فَإِنَّ اللَّهَ غَفُورٌ رَحِيمٌ

Prohibited upon you are: carrion, blood, the flesh of swine and anything dedicated to other than Allah ... But if someone is forced by necessity of starvation, not inclining to sin, then truly, Allah is Oft-Forgiving, Most Merciful.⁵²

From this, you know that someone forced by real necessity into blind following, then he is excused in such following (*taqlid*) by that necessity. Such necessity may be: he has no capability at all because he has no ability fundamentally to understand, not because of a deficit in effort; he has the ability to understand, but overwhelming obstacles prevent him from learning; he is in the process of learning gradually, so he is not able to learn everything that he needs to in one go; he cannot find a suitable teacher from whom to learn; etc. This is because he has no other option.

However, as for the one able to learn but fails to do so or places the opinions of men ahead of what he knows from the revelation, then such a person is not excused.

⁵⁰ *Al-Nahl* (The Honey-Bee, 16:115)

⁵¹ *Al-Baqarah* (The Cow, 2:173)

⁵² *Al-Ma'idah* (The Last Supper, 5:3)

Seventhly: Our stance towards the Imams is that of all Muslims

Know that our stance regarding the Imams, may Allah have mercy upon them, the Four and others, is the stance of all just Muslims. This is to give them loyalty, love, respect, honour and praise because of their knowledge and piety, and to follow them in acting by the Book and the Sunnah and in placing these two sources ahead of their opinions but learning the views of the Imams in order to help arrive at the truth, and to abandon any of their views that oppose the Book and the Sunnah.

As for issues in which there is no unequivocal text, then the correct approach is to look into their *ijtihad* regarding these, because following their *ijtihad* might be more correct than performing our own *ijtihad* for ourselves, for they had more knowledge and piety than us.

However, we must carefully research for ourselves the views nearest to the pleasure of Allah, and those that are most cautious and furthest from doubt, for as the Prophet, may Allah bless him and grant him peace, said,

دع ما يريبك إلى ما لا يريبك

“Leave that which makes you doubt for that which does not make you doubt.”

He also said,

فمن اتقى الشبهات فقد استبرأ لدينه وعرضه

“Whoever avoids the doubtful matters has cleared his religion and reputation.”

The true, decisive word about the Imams, may Allah have mercy upon them, is that they are amongst the best of the people of knowledge amongst the Muslims and that they are not infallible against mistakes: when they are correct, they have the reward of *ijtihad* and the reward of being correct; when they err, they are rewarded for their *ijtihad* and excused for their mistake. Thus, they are rewarded in every situation: no shortcoming, defect or criticism is ascribed to them. However, the Book of Allah and the Sunnah of His Prophet, may Allah bless him and grant him peace, are decisive over them and their views, as is clear.

فلا تغل في شيء من الأمر واقتصد كلا طرفي قصد الأمور نديم

Do not go to extremes in any matter, but have moderation:

Both extremes around the centre deserve condemnation!

Therefore, be neither amongst those who condemn or disparage them, nor those who believe that their views are sufficient without need for the Book of Allah and the Sunnah of His Messenger, or that these views are to be placed ahead of the Book and the Sunnah.

Eighthly: Every Imam has been criticized for going against the Sunnah in particular matters

Know that every Imam has been constructively criticised in certain issues, where other people of knowledge said that the Imam went against the Sunnah (in that particular issue). We now mention examples of this.

Imam Abu Hanifah, may Allah have mercy upon him

This phenomenon occurred most with Imam Abu Hanifah, because he used Reason (*Ra'y*) the most. We do not need to explain the details of this, because there are so many examples of this that have been commented upon in the past. In some of these issues where it has been said that he went against the Sunnah, it is apparent that the Sunnah in that matter did not reach him. In others, the Sunnah reached him but he did not accept it, holding that another consideration was stronger.

For example, he did not act upon the hadith mentioning legal judgment on the basis of one witness plus an oath, in matters involving wealth. He did not act upon this hadith and others like it, on the basis of respect for Qur'anic texts, in his view. This is because he believed that a meaning additional to the text, such as judgment on the basis of a witness and an oath, is a type of abrogation of the saying of the Exalted (in the "Verse of Debt"),

وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ ۖ فَإِنْ لَمْ يَكُونَا رَجُلَيْنِ فَرَجُلٌ وَامْرَأَتَانِ

***Call to witness two from amongst your men:
If there are not two men, then a man and two women ...⁵³***

Thus, out of respect for the widely-narrated (*mutawatir*) Qur'anic text, he did not approve of it being abrogated by a singly-narrated report (*khobar ahad*), of which the chain of transmission is of a lower rank than that of the Qur'an. For the Imam, abrogation of the *mutawatir* by the *ahad* is abrogation of the stronger by the weaker, which is not correct.

Similar is the case of the hadith about exiling an unmarried fornicator: in the Imam's view, this is an abrogating addition to the saying of the Exalted,

الرَّانِيَةُ وَالرَّانِي فَاجْلِدُوا كُلَّ وَاحِدٍ مِنْهُمَا مِائَةَ جَلْدَةٍ

***The fornicator or adulterer, male or female:
flog each one of them with a hundred stripes.⁵⁴***

Again, in his view: the *mutawatir* cannot be abrogated by the *ahad*.

Thus, the Imam's non-acceptance of acting upon hadiths like this is based upon two premisses:

Firstly, that an addition to the text is a type of abrogation;⁵⁵ and
Secondly, the *mutawatir* cannot be abrogated by the *ahad*.

Most of the people of knowledge disagreed with him about the first premiss but agreed with him about the second.

⁵³ *Al-Baqarah* (The Cow, 2:282)

⁵⁴ *Al-Nur* (Light, 24:2)

⁵⁵ This is because an addition to the text will specify a general meaning or condition an unconditional meaning: thus, some of the general or unconditional meaning has been abrogated because it no longer applies. [Translator's note]

The strongest position in our view, and to which we hold decisively, is that both premisses are not correct ...⁵⁶

Our aim is simply to give examples of the claims of some of the people of knowledge who said that Imam Abu Hanifah, may Allah have mercy upon him, went against the Sunnah with his use of Reason. Our goal is to explain that he did not go against any of the Sunnah, except on the basis of an argument that seemed justified to him: he would not abandon the Sunnah unless he saw a Sharia argument necessitating that. This is clarified by the fact that he would put weak hadiths ahead of reason. Ibn al-Qayyim said in *I'lam al-Muwaqqi'in*:

“The companions of Abu Hanifah, may Allah have mercy upon him, agree unanimously that his position (madhhab) is that a hadith that is weak in his view is still preferable to analogy and reasoning. He built his school (Madhhab) upon this. For example, he gave preference to the following hadiths over analogy and reasoning, even though they are weak: that laughing in prayer nullifies it; ablution with fermented date-juice whilst travelling; not amputating the hand of a thief who stole less than ten dirhams; the maximum menstrual period is ten days; Jumu'ah (Friday) prayer may only be held in towns and cities. Furthermore, he did not employ analogical reasoning in rulings relating to wells, preferring traditions from the Companions and Followers. Thus, giving preference to weak hadiths and reports from the Companions is his view, as well as that of Imam Ahmad. The terminology of ‘weak hadith’ amongst the early generations (Salaf) is not the same as that of later generations: what the latter termed hasan (sound, but of lower authenticity than the sahih) was often termed by the earlier authorities, da'if (weak).”

Further examples of where it is said that Abu Hanifah, may Allah have mercy upon him, went against the Sunnah include the necessity of the following: tranquillity during the prayer; the *takbir* to enter the prayer and the *salam* to exit it; the recitation of *al-Fatihah* during it; intention for ablution (*wudu'*) and washing (*ghusl*).

Here, we do not have space to mention and discuss the evidence presented by Abu Hanifah. Rather, the aim here is to explain that none of the Imams were immune to the criticism that they went against the Sunnah, and that they did not go against it unless for a reason that justified this in their view. Upon nuanced and detailed discussion, it becomes clear to us that sometimes the truth was with them; at other times, the situation was other than that. But in every situation, they are rewarded and excused, as has been explained earlier.

Imam Malik, may Allah have mercy upon him

Some of the people of knowledge said that in some matters, he went against the Sunnah.

Ibn 'Abdul Barr, may Allah have mercy upon him, transmitted in his *Compendium* that Layth bin Sa'd said: *I counted seventy issues where Malik bin Anas went against the Sunnah of the Prophet, may Allah bless him and grant him peace, by using his reasoning (ra'y). I wrote to him about that.*

⁵⁶ For details of the Shaykh's arguments in support of his view, please refer to the original discussion that we have omitted in this abridgement for the sake of brevity. [Translator's note]

It is known that a statement such as this of Layth about Malik has no effect, because he did not specify those issues or their sharia evidence or indications. Thus, it is possible that Malik was right about them because of indications that were not apparent to Layth, because there is no reason why the reverse situation is more likely.

However, there is no doubt that in the compiled *Madhhab* of Malik, there are derived rulings (*furu'*) that oppose some texts of the revelation. It is apparent that some of these texts did not reach him, may Allah have mercy upon him: had they reached him, he would have acted upon them. Other texts did reach him, but he chose not to act upon them due to another indication that he believed was stronger evidence.

An example of a text not reaching him is the hadith about fasting six days of Shawwal, after the fast of Ramadan. He, may Allah have mercy upon him, said in his *Muwatta'*,

“Truly, I never saw any of the people of knowledge and understanding fasting these days, and nothing has reached me regarding this on the authority of the predecessors (Salaf). The people of knowledge dislike this practice and fear that it is an innovation, and that ignorant and coarse people will add to Ramadan what is not part of it if they see the people of knowledge allowing it and practising it.”

Here, Malik says explicitly that fasting six days of Shawwal reached him neither on the authority of the Prophet, nor on that of any of the *Salaf*. There is no doubt that had encouragement from the Prophet, may Allah bless him and grant him peace, to fast these days reached him, he would have fasted them and recommended others to fast them – it goes without saying that he would not have disliked the practice. This is because Malik would not have doubted that the Prophet, may Allah bless him and grant him peace, was more kind and merciful towards the community than he was, for Allah has described the Prophet in the Qur'an as being kind and merciful.

If fasting those six days necessitated the problem because of which Malik disliked the practice, the Prophet would not have encouraged it and he would have considered the problem that Malik identified. But the Prophet, may Allah bless him and grant him peace, avoided and dismissed the problem because he knew that the month of Ramadan is too well-known to be confused with any of Shawwal. This is similar to the recommended prayers before and after the obligatory prayers: none of the people of knowledge ever disliked them for fear that the ignorant would add to the obligatory prayers. This is due to the five compulsory prayers being well-known and not confused with others.

Anyhow, it is not for any Imam to say that a matter that has been approved by the Prophet, may Allah bless him and grant him peace, is disliked for fear of the ignorant thinking that it is obligatory. Fasting of the aforementioned six days, and the Prophet's encouragement of this, is established authentically from him. The hadith was transmitted by Ahmad, Muslim, Abu Dawud, Tirmidhi and Ibn Majah via several Companions, including Thawban, Jabir, Ibn 'Abbas, Abu Hurayrah and Bara' bin 'Azib, as explained by [Shawkani,] the author of *Nayl al-Awtar*.⁵⁷

⁵⁷ Both the Hafiz Ibn 'Abdul Barr and Imam Nawawi, leading hadith scholars from the Maliki and Shafi'i traditions respectively, approved fasting six days of Shawwal due to the authentic hadith, and

[Both the Hafiz Ibn ‘Abdul Barr and Imam Nawawi preferred the hadith about fasting six days of Shawwal over Imam Malik’s view on the matter]

[Imam Nawawi said in his *Commentary* upon the hadith of *Sahih Muslim* about fasting the six days of Shawwal:

*“In it is a clear indication to support the position of Shafi’i, Ahmad, Dawud and those who agreed with them in recommending the fasting of these six days. Malik and Abu Hanifah said that it is disliked. Malik said in al-Muwatta’ (The Well-Trodden Path), ‘I never saw any of the people of knowledge fasting these days ... They said: It is disliked, in case people think it is obligatory.’ The evidence of Shafi’i and those who agree with him is this clear, authentic hadith: if the Sunnah is established, it is not to be abandoned because some people abandon it, and not even if most or all of them abandon it. Their saying, ‘in case people think it is obligatory’ is disproven by the fast of ‘Arafah, ‘Ashura and other recommended fasts.”]*⁵⁸

Another example of this is singling out Friday for fasting. Imam Malik, may Allah have mercy upon him, said in the *Muwatta’*,

“I never heard any of the people of knowledge and understanding, and those whose example is followed, forbidding fasting on Friday: fasting that day is good. I have seen one of the people of knowledge fasting it and seeking to fast it specifically.”

Here, he explicitly states that neither a prohibition of fasting specifically on Friday has reached him from the Prophet, may Allah bless him and grant him peace, nor a command to the one fasting it to fast another day with it [i.e. before or after it], otherwise he should break his fast if he had begun it with the intention of fasting on Friday alone.

Had the Sunnah reached him on the authority of the Prophet, may Allah bless him and grant him peace, he would have left other views and acted upon it. The forbidding of fasting on Friday alone is established from the Messenger of Allah, may Allah bless him and grant him peace, as transmitted by Bukhari and Muslim. There is no doubt that had these hadiths reached Malik, he would not have opposed them, so he is excused because they did not reach him. Imam Nawawi said in his *Commentary on Sahih Muslim*,

“As for the saying of Malik in the Muwatta’, ‘I never heard any of the people of knowledge and understanding, and those whose example is followed, forbidding fasting on Friday: fasting that day is good. I have seen one of the people of knowledge fasting it and seeking to fast it specifically’: this statement is his view, and others took an opposing view. The Sunnah takes precedence over the views of him and others: the forbidding of fasting specifically on Friday is established, so it is the only legitimate

preferred this over the view of Imam Malik. Note that other scholars did not rebut them by saying, “I’m more comfortable with Malik’s mistakes than with your corrections,” a misplaced argument that has become popularised recently. (Translator’s note)

⁵⁸ Just as the Shaykh Shanqiti’s students such as Shaykh ‘Atiyyah Salim have added to his *tafsir*, his student Shaykh Suhaib Hasan has added this appropriate paragraph from Imam Nawawi. (Translator’s note)

view. Malik is excused, because this did not reach him. Dawudi, one of the companions of Malik, said: *This hadith did not reach Malik: had it reached him, he would not have opposed it.*”

Undoubtedly, this is the truth of the matter. This is because Malik was one of the most pious people of knowledge and foremost amongst people in following the Sunnah of the Messenger of Allah, may Allah bless him and grant him peace, so he would never leave it whilst knowing about it. There were other texts that did reach him, but he chose not to act upon them due to another indication that he believed was stronger evidence. This requires a detailed, nuanced discussion of the evidence, for the truth may be with one Imam sometimes and another time with another.

For example, Malik did not act upon the hadith about two contracting parties having the option to modify or revoke a sale as long as they were still in the same sitting, even though it is a hadith that reached Malik and is agreed upon [by Bukhari and Muslim].

Abdul Hamid al-Sa’igh, a Maliki jurist, vowed to walk to Mecca if he ever gave a *fatwa* based on one of three of Malik’s views: not accepting the option to modify a sale in the same sitting, despite the hadith about the subject being authentic; combining wheat and barley into one type of foodstuff for barter transactions, despite the authentic hadiths indicating that they are two types; white discharge during menstruation.

For the last-mentioned issue above, it is apparent to us that Malik’s view about it is strong and appropriate, even if it is contrary to that of some of his own companions and most of the people of knowledge. Malik’s perspective has been explained by Ibn ‘Abdul Barr, Ibn al-‘Arabi and others.

Issues in which some people of knowledge said that Malik went against the Sunnah are well-known, including the examples we have mentioned. Further examples are:

- the prostration of gratitude (*sujud al-shukr*);
- the prostrations of recitation (*sajdat al-tilawah*) in the short *mufassal* surahs [i.e. from *al-Hujurat* (49) or *Qaf* (50) until the final surah, *al-Nas* (114)] and the second one in *Surah al-Hajj* (Chapter: Pilgrimage);
- not saying *amin* loudly during the prayer;
- not raising the hands upon bowing and rising from it;
- the imam not saying *Rabbana laka l-Hamd* (‘Our Lord, to You belongs All Praise’) upon rising from bowing;
- not braiding the hair of a deceased female into three plaits; etc.

As we have stated before, the truth may be with Malik in matters where he has been criticised or they may be with others, as Malik himself said, may Allah have mercy upon him: *Everyone’s sayings may be accepted or rejected, except for the sayings of the occupant of this grave* [i.e. the Prophet, may Allah bless him and grant him peace].

Sometimes, Malik would prefer unconditional or general Qur’anic indications over the Sunnah consisting of singly-reported narrations, because the Qur’an has stronger chains of narration even if the Sunnah has more apparent indications. This is why he did not allow the eating of dead locusts unless they had been slaughtered, It is also why he did not approve of saying *amin* loudly during prayer, or of the second prostration of recitation in *Surah al-Hajj* (Chapter: Pilgrimage).

After all this discussion, we reiterate that constructive criticism of the Imams, may Allah have mercy upon them, does not attribute any flaws or shortcomings to them because they strove to their utmost to learn knowledge from Allah upon the tongue of His Messenger, may Allah bless him and grant him peace. They then strove (*ijtihad*) in jurisprudence to their utmost: when they attained the truth, they received the two rewards for *ijtihad* and correctness; when they erred, they were rewarded for their *ijtihad* and excused for their error. Here, we do not have space to discuss the evidence regarding the matters in which people differed with them. Our aim was to explain, whilst respecting the greatness of the status of the Imams, that the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, must be placed ahead of the sayings of the Imams because they are not immune from error. Their compiled *Madhhabs* cannot, and must not be allowed to, become sufficient as basic sources rather than the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace. It is a duty upon every Muslim who is capable of it, to learn the Book and the Sunnah: knowing the positions (*madhhabs*) of the Imams will help him to do so, and studying their evidence will help him to know the strongest views and the closest amongst them to the pleasure of Allah.

Imam Shafi’i, may Allah have mercy upon him

Imam Shafi’i held that a man’s ablution (*wudu’*) is nullified by merely touching a woman who is not a close relative, without a barrier (such as clothing) between them. This is despite the authentic hadiths mentioning that ‘Aisha would sometimes be lying down in front of the Prophet whilst he was praying at night, such that he would press against her leg. The Shafi’is countered that it was possible that her leg was covered by clothing. This was countered by the hadith where she felt around for the Prophet at night, before the chambers had lamps, and said that her palm touched the sole of his foot. She also felt his hair with her hand whilst he was standing in prayer. The Shafi’is have responses that do not stand up to these explicit texts. Imam Shafi’i’s basis for his view was his misconception of the meaning of “touching women” mentioned in the Qur’an as a nullifier of *wudu’*.⁵⁹ Amongst the Imams, only Shafi’i, may Allah have mercy upon him, said that merely touching a woman nullifies *wudu’*. (He took the verse too literally to mean any touching, whereas all the other Imams agreed that the verse refers to sexual touching.)

Imam Ahmad bin Hanbal, may Allah have mercy upon him

Imam Ahmad recommended fasting the “day of doubt”: the day when there is doubt as to whether it is the thirtieth of Sha’ban or the first of Ramadan, due to cloudy weather making the sighting of the new crescent moon on the previous evening impossible. Imam Ahmad’s position (*madhhab*) is to fast this day out of caution that it

⁵⁹ *Al-Nisa’* (Women, 4:43) & *al-Ma’idah* (The Last Supper, 5:6)

might be Ramadan, although other positions are also narrated from him. However, fasting this day is the position preferred in the Hanbali *Madhhab*. But this is contrary to the explicit text of the hadith where the Prophet, may Allah bless him and grant him peace, said that whoever fasted the day of doubt had disobeyed him. Amongst the Imams, only Imam Ahmad held this view.⁶⁰

Ninthly: Muqallids must distinguish between their Imam's actual views and those added to his Madhhab after him

Know that anyone who views that he must follow an Imam without evidence (*taqlid*) because he himself is incapable of drawing indications from the Book, the Sunnah, the sayings of the Companions and Followers, or from anyone else besides that Imam: he must pay complete attention to the difference between the actual sayings of that Imam and the views that were added to his *Madhhab* after him based on his principles. He must also pay attention to what later scholars added over the course of time on the basis of *istihsan* (judging something to be good) that has no basis in the Book of Allah or the Sunnah of His Messenger, may Allah bless him and grant him peace.

Had the Imam known what they appended to his *Madhhab*, he would have disavowed it and criticised them for it. Thus, attributing all such additions to the Imam is from clear falsehood: its falsehood is only increased by attributing it to Allah and His Messenger, on the basis of the claim that Allah had legislated that upon the tongue of His Messenger. Such claims are numerous in the abridgements of the *Madhhabs* and the books of their later scholars.

An example of this is the statement of the Maliki scholar Khalil in his *Mukhtasar* (*Abridgement*) that the minimum time of purity between two menstrual cycles is fifteen days, because many Malikis believe that this was Imam Malik's view. However, he never said this, never gave a fatwa to this effect and none of his companions narrated this from him. What Malik actually said was that the minimum time of purity was eight or ten days. This was what the most esteemed followers of his *Madhhab* quoted from him, such as Abu Muhammad Ibn Abi Zayd in his *Risalah* (*Epistle*), may Allah have mercy upon him. The view of fifteen days was that of Ibn Maslamah that was relied upon by the author of the *Talqin*, and Ibn Shas made it the *Mashhur* ("well-known") position of the Maliki *Madhhab*. This is despite the fact that Malik said no such thing and did not know of it: such examples are extremely numerous in the Maliki and other *Madhhabs*.

An example of the *istihsan* (judging something to be good) by later scholars of something that the Imam did not say, and no doubt would not have accepted had it reached him, is the saying of Hattab in his commentary upon Khalil's saying in his *Mukhtasar* about fasting the ninth and tenth days of Muharram,

"Shaykh Zarruq said in commentary upon the Qurtubiyah [Cordoban text]: 'A recent authority of sound knowledge and piety disliked fasting upon the Prophet's

⁶⁰ The Shaykh wrote detailed sections about Imams Abu Hanifah and Malik. His student, Shaykh 'Atiyyah Salim, added the brief sections about Imams Shafi'i and Ahmad. (Translator's note)

birthday. He said that it was a Muslim festival (Eid) and so there should not be fasting on that day. Our Shaykh, Abu 'Abdullah al-Quri, used to mention that often and judge it to be good (istihsan)'.

I say: Perhaps he means Ibn 'Abbad, because he stated in his *Rasa'il Kubra (Major Epistles)*,

"As for the Prophet's birthday, what is apparent to me is that it is amongst the festivals (Eids) of the Muslims and their seasons of celebration (mawsim). Everything done during it that leads to happiness and joy for that blessed birthday: lighting candles, looking at and listening to delightful things, adorning oneself with lavish clothes and riding elegant animals: these are all permissible matters. No-one should be criticised for them, analogously to other moments of happiness.

To judge that these matters are a (reprehensible) innovation during this time when the secret of existence has become apparent, the knowledge of (divine) witnessing has become elevated and the darkness of disbelief and denial has cleared, and to claim that this time is not amongst the legitimate celebrations of the people of faith, comparing it to Nayruz and Mahrjan, is a weighty matter from which sound hearts shrink with aversion and steadfast opinions repel it.

I once went out on the Prophet's birthday to the seashore. I happened to find Sidi al-Haj bin 'Ashir, may Allah have mercy upon him, there with a group of companions. One of them had brought different foods for them to eat there. When I came upon them, they wished for me to share their meal with them but I was fasting and told them so. Sidi al-Hajj frowned at me and said to me that this day was one of happiness and joy, in which fasting was obscene, just like for Eid. I considered his words and found them to be true: it was as though I had been asleep and he had awakened me."

The above statement necessitates disparaging fasting the day of the Prophet's birthday and making it like Eid day without any authority from the Book of Allah, the Sunnah of His Messenger, may Allah bless him and grant him peace, or any of the Companions and Followers. Neither the Four Imams nor the well-known jurists of the major towns and cities took this view that one of the later scholars has attributed to Malik's *Madhhab* whilst Malik had nothing to do with it, being as far from it as the sun is from our touch.

Furthermore, the above argument is not based on the principles of Malik's *Madhhab* because for him, the legal reason ('illah) for the prohibition of fasting the Eid days, and for breaking the fast, is that Allah Exalted has entrusted His servants with the responsibility of two major acts of worship annually: the commandment regarding them applies generally to everyone who has the ability to fulfil them. One of them, the Pilgrimage, is obligatory once in a lifetime; the other one, the fasting of the month of Ramadan, is obligatory every year. Thus, when the Pilgrimage or Fasting worship is completed, Allah obliges all people to be His guests at the Festival of Breaking the Fast (*Eid al-Fitr*) and the Festival of Sacrifice (*Eid al-Adha*). Thus, whoever fasts either of these two days has refused Allah's hospitality: such a refusal is not permissible. Therefore, treating the Prophet's birthday like Eid has no basis because there is neither a common factor between the two days, nor a negated difference: a ruling is only extended when there is a common factor or a negated difference.

Everyone whose insight has not been erased by Allah, knows that the truth about which there is no doubt is to follow the Prophet, may Allah bless him and grant him peace, and his Companions. It is known that to make his birthday like Eid in forbidding fasting on that day, is something that was never taught by the Messenger of Allah, may Allah bless him and grant him peace, his Companions or any of the Four Imams. Thus, it is a ruling that disparages the fasting worship. Forbidding fasting the Prophet's birthday has no authority from the revelation, correct logical reasoning or the teaching of anyone whose example is to be followed.⁶¹

An undisputed matter is that the Allah sent the Prophet, may Allah bless him and grant him peace, as a mercy to the worlds, as Allah Exalted said:

وَمَا أَرْسَلْنَاكَ إِلَّا رَحْمَةً لِّلْعَالَمِينَ

*We have not sent you except as a mercy to the worlds.*⁶²

His message is the greatest favour upon creation, as the people of knowledge of exegesis (*tafsir*) of the Qur'an have explained in commenting upon the words of the Exalted,

أَلَمْ تَرَ إِلَى الَّذِينَ بَدَّلُوا نِعْمَتَ اللَّهِ كُفْرًا

*Have you not seen those who replaced the favour of God with ingratitude (kufir) ?*⁶³

Total goodness is in following the Prophet, may Allah's blessings and peace be upon him; total evil lies in inventing legislation that he did not, and attributing to him what he did not say.

Those *muqallidun* who follow Malik blindly without evidence (*taqlid a'ma*), such as in this case, believe that the statement of Hattab on the authority of Zarruq, Ibn 'Abbad and Ibn 'Ashir is the *Madhhab* of Malik and that it is part of Allah's law (*Sharia*) and His religion (*Deen*), and that whilst it is part of the *Madhhab* of Malik, then it must be placed ahead of the Book and the Sunnah because only the absolute jurist (*mujtahid mutlaq*) may act upon them. This is an example of the calamities and enormities of blind following without evidence (*taqlid a'ma*).

To claim that the existence of the favours of Allah such as the birth of the Prophet, may Allah bless him and grant him peace, indicates the ugliness of worshipping Allah via fasting at the times denoting those favours, is obviously and clearly a corrupt argument. This is because the appropriate response to the favours of Allah is to worship Him by different types of obedience, such as fasting. This is why you will find people vowing to fast for Allah on the day that He favours them by healing a sick person or returning a lost one. This is an approved and reasonable matter, not its opposite i.e. to forbid fasting that day.

⁶¹ Ironically, those who celebrate the Prophet's birthday often present, as justification for their celebration, the fact that the Prophet used to fast Mondays because he was born on a Monday. As the Shaykh shows, some of them have then extended their logic to conclude that it is forbidden to fast on the Prophet's birthday, whereas the Prophet marked the day of the week when he was born by fasting! (Translator's note)

⁶² *Al-Anbiya* ' (The Prophets, 21:107)

⁶³ *Ibrahim* (Abraham, 14:28)

This is further clarified by considering that the revelation of the Majestic Qur'an is the greatest favour upon humanity: because of this, Allah taught us to praise Him for this magnificent favour at the beginning of *al-Kahf* (The Cave, 18) in his saying, Exalted is He:

الْحَمْدُ لِلَّهِ الَّذِي أَنْزَلَ عَلَى عَبْدِهِ الْكِتَابَ

*All Praise be to Allah, Who has sent down upon His Servant the Book.*⁶⁴

Furthermore, Allah has explained that He sent this favour down in the month of Ramadan, which is precisely why the month is to be fasted and not to be made into a festival where fasting is disliked. This is because He, the Exalted, said:

شَهْرُ رَمَضَانَ الَّذِي أُنزِلَ فِيهِ الْقُرْآنُ هُدًى لِّلنَّاسِ وَبَيِّنَاتٍ مِّنَ الْهُدَىٰ وَالْفُرْقَانِ

*The month of Ramadan is the one in which the Qur'an was sent down: Guidance for people, and clear explanations from the Guidance and the Criterion.*⁶⁵

This is the greatest favour. He then connected it to the subsequent commandment to fast it with the conjunction *fa* (so, then):

فَمَن شَهِدَ مِنْكُمُ الشَّهْرَ فَلْيَصُمْهُ

*So, whoever amongst you witnesses the month, let him fast it ...*⁶⁶

So please understand!⁶⁷

The aim of this example is sincere advice for those who are incapable of anything other than this blind following without evidence (*taqlid a'ma*), to research the primary and secondary books of the *Madhhab* for the actual teachings of the Imam and his major companions, so that they may distinguish between these and different types of *istihsan* (judging something to be good) that have no authority and which later scholars have added (to the *Madhhab*) from time to time: these are obviously corrupt in the view of those whom Allah has provided sustenance from the Book of Allah and the Sunnah of His Messenger. Without doubt, the teachings of, for example, Malik and his major companions, are more likely to be correct in general compared to the *istihsan* of Ibn 'Abbad, Ibn 'Ashir and their like.

⁶⁴ *Al-Kahf* (The Cave, 18:1)

⁶⁵ *Al-Baqarah* (The Cow, 2:185)

⁶⁶ *Al-Baqarah* (The Cow, 2:185)

⁶⁷ In other words, the Shaykh is explaining that Allah has commanded us to fast the month of Ramadan *because* the Qur'an was sent down during it. Hence, there is a causal relationship between the revelation of the Qur'an and the fast of Ramadan. (Translator's note)

Tenthly: It is impermissible for a Muslim to believe that the era of ijthihad is closed, and that only four Madhhabs must be followed

Know that the claim agreed upon by the later scholars of *usul* that implies their judging the Creator of the Heavens and the Earth, Majestic and Exalted, is not permissible for a Muslim searching for truth and justice to believe. Furthermore, a Muslim must not confirm their claim because of the obvious nature of its being incorrect, its contradiction to clear, revealed texts and its dictating to Allah without authority, whereas He, Majestic and Exalted, is the One Who commands with no-one to replace His command, and He is Swift in Reckoning.

The claim being referred to is compounded from the following sub-claims:

- the era of *ijthihad* in the world is over and its door has closed;
- it has been decided by some people that Allah Exalted cannot create a *mujtahid* or grant such knowledge to anyone by which he can become a *mujtahid*, until the appearance of the Awaited Mahdi;
- it is not permissible for anyone to act by the Book or the Sunnah or to follow without evidence (*taqlid*) anyone, no matter who they are, other than the Four Imams and founders of the compiled Madhhabs.

This claim is explicitly presented by the author of *Maraqī al-Su'ud (Stairways to Felicity)*, quoting the consensus of the later scholars, as follows:

والمجمع اليوم عليه الأربعة وقفوا غيرها الجميع منعه
حتى يجيء الفاطم المجدد دين الهدى لأنه مجتهد

*Today, the consensus is upon the Four:
Following any other, all of them forbid
Until the Fatimi renewer brings to the fore
The religion of guidance, for he's a mujtahid.*

By the “Fatimi” he means the Awaited Mahdi, for the latter is a Sharif (a descendant of Fatima via Husayn). His saying, “until he brings” is a time-limiting phrase. What is being time-limited is the forbidding of following other than the Four Imams, as indicated by his saying, “*Following any other, all of them forbid.*”

This explicitly shows that they are dictating to Allah, All-Powerful, All-Knowing, that He cannot create a *mujtahid* before the appearance of the Awaited Mahdi. This saying of the author of *Maraqī al-Su'ud (Stairways to Felicity)* is the established one in the books of the later scholars of *usul* amongst the people of the compiled *Madhhabs*. My brother, you can judge for yourself the reality of this dictating to Allah, Who is every day in a State of Majesty, that He cannot create a *mujtahid* from the end of the era of *ijthihad* until the appearance of the Mahdi. Undoubtedly, if *Madhhabi* partisanship has not blinded you, you will know definitely that this claim has no authority.

Furthermore, the author of *Maraqī al-Su'ud (Stairways to Felicity)* contradicted his own claim beforehand, when he said:

والأرض لا عن قائم مجتهد تخلو إلى تزلزل القواعد

*A mujtahid authority will never be absent
From the earth until the shaking of its foundations.*

This latter statement is the correct one, agreeing with the truth because it is established in the two *Sahih*s and other sources that the Prophet, may Allah bless him and grant him peace, said: *There will always remain a group of my nation dominant and apparent upon the truth: those who dishonour them will not harm them until there comes the command of Allah.* This is a multiply-reported hadith that is agreed upon, with no dispute about its authenticity.

Undoubtedly, this group is the one upon the Book of Allah and the Sunnah of His Messenger, and in no way that of those who follow blindly without evidence (*al-muqallidun al-taqlid al-a'ma*). This is because the truth is what Muhammad, may Allah bless him and grant him peace, brought of the Book and the Sunnah, as Allah said in *Women*,

يَأْيُهَا النَّاسُ قَدْ جَاءَكُمْ الرَّسُولُ بِالْحَقِّ مِنْ رَبِّكُمْ

*O people! There has truly come to you a Messenger with Truth from your Lord.*⁶⁸

He said in *Cattle*,

وَكَذَّبَ بِهِ قَوْمُكَ وَهُوَ الْحَقُّ

*Your people have belied it whilst it is the Truth.*⁶⁹

He said in *The Ant*,

فَتَوَكَّلْ عَلَى اللَّهِ إِنَّكَ عَلَى الْحَقِّ الْمُبِينِ

*So place your trust in Allah: truly, you are upon the Clear Truth.*⁷⁰

He said in *Jonah*,

قُلْ يَا أَيُّهَا النَّاسُ قَدْ جَاءَكُمْ الْحَقُّ مِنْ رَبِّكُمْ

*O people! There has truly come to you the Truth from your Lord.*⁷¹

There are many similar verses. Thus, the claim that there remains no *mujtahid* at all on the earth, and that this situation will remain until the appearance of the Awaited Mahdi, contradicts this hadith that is proved to be from the Prophet, may Allah bless him and grant him peace, without doubt. There is no dispute that everything that contradicts the Truth is error, for Allah, Majestic and Exalted, says,

مَاذَا بَعْدَ الْحَقِّ إِلَّا الضَّلَالُ فَأَنْتَ تُصْرِفُونَ

*What is there beyond Truth except error – how then are you turned away?*⁷²

All knowledge is with Allah, the Exalted.

⁶⁸ *Al-Nisa'* (Women, 4:170)

⁶⁹ *Al-An'am* (Cattle, 6:66)

⁷⁰ *Al-Naml* (The Ant, 27:79)

⁷¹ *Yunus* (Jonah, 10:108)

⁷² *Yunus* (Jonah, 10:32)

Eleventhly: turning away from the Qur'an and Sunnah in favour of Four Madhhabs is one of the greatest problems that has beset Muslims over recent centuries

Know, O my brother, that this turning away from the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, and believing that one can suffice instead of them with the compiled *Madhhabs*, a phenomenon that is widespread amongst most of the Muslim civilization, is one of the greatest misfortunes, tribulations and calamities to have befallen the Muslims for centuries. Undoubtedly, the unhealthy results arising from turning away from the Book and the Sunnah include the current situation of the Muslims in regard to the legal enforcement of invented laws that negate the basis of Islam. This is because the infidels only destroyed the Muslims by separating them from their religion with an invasion of thought via cultural routes and by inserting misconceptions and doubts into the religion of Islam.

Were the Muslims to learn the Book of Allah and the Sunnah of His Messenger, may Allah bless him and grant him peace, and act upon their contents, this would become an unassailable fortress for them against the influence of the intellectual onslaught upon their beliefs and their religion. But when they abandoned the revelation, flung it behind their backs and replaced it with the sayings of men, these sayings and *Madhhabs* of the Imams, may Allah have mercy upon them, did not substitute for the Word of Allah, holding fast to the Qur'an and the word of the Prophet, may Allah bless him and grant him peace, and fortifying themselves with his Way (*Sunnah*). Thus, the intellectual invasion found a way into immature Muslim hearts. Had their opposing weapon been the Qur'an and the Sunnah, the invaders would not have found a way through.

Undoubtedly, every just person knows that the speech of people, no matter how high they reach in terms of knowledge and distinction, cannot possibly take the place of the Word of Allah and the speech of His Messenger, may Allah bless him and grant him peace.

To summarise, undoubtedly, this intellectual invasion that destroyed the Muslim entity and their unity and separated them from their religion: had it found them holding fast to the Book of Allah and the Sunnah of His Messenger, it would have retreated, driven away in extreme failure due to the clarity of the indications of the Book and the Sunnah, and due to the fact that the aforementioned intellectual onslaught had no authority except being based upon falsehood and distortion, as is well-known!

Appendix One: Shaykh Shanqiti's earlier, concise *fatwa* on following a *Madhhab*

[This *fatwa* was given during the Shaykh's tour of Africa in 1385 H (1964/1965 CE).⁷³ The Shaykh moved on somewhat from this *fatwa*: the treatise, *Contemplating the Qur'an*, was likely written later – it occurs towards the end of his *tafsir*. However, we are including this earlier *fatwa* for the sake of scholarly integrity.]

[Question:] *What do you say about a person holding to a specific Madhhab without analysing the dalil (Sharia indication) or the views of others? Are the masses equal to others in this regard, or not?*

[Answer:] Holding to a specific *Madhhab* is not prescribed by any unequivocal text (*nass*) from the Book of Allah or the Sunnah of His Prophet, may Allah bless him and grant him peace, or by Consensus (*Ijma'*).

The later *usuli* scholars from all the *Madhhabs* converged upon its obligation: their basis is the realisation of the scope of the jurisprudential ruling (*tahqiq al-manat*). To explain this: they knew that Allah says,

فَسَأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لَا تَعْلَمُونَ

... so ask the People of the Message if you do not know.⁷⁴

They held that there remains no *Mujtahid* worthy of being asked for a *fatwa* and issuing it. Therefore, according to them, since no-one worthy of giving *fatwas* exists anymore, it is obligatory to follow the opinions (*taqlid*) of someone who is deceased but was worthy of giving *fatwa*. Next, they chose the Four *Madhhabs* and limited *taqlid* (following without evidence) to these, rather than any of the other jurists of the towns and cities. Their reasoning for this was that the *madhhabs* of the latter were not compiled like the Four *Madhhabs*⁷⁵, for the words of the Four Imams were compiled and discussed in their *Madhhabs*: they were asked about everything, such that the person following the *Madhhab* could trust that these were the *fatwas* of that Imam, who was qualified to issue them. They reasoned further that *Madhhabs* besides the Four – the *Madhhabs* of the Companions and the *Madhhabs* of the jurists of the towns and cities that discontinued or did not spread – were not equivalent to the Four *Madhhabs* because of what we have mentioned about their clarification, analysis and sifting. They thus obligated *taqlid* of one of these Four Imams because of this type of realisation of the scope of the jurisprudential ruling (*tahqiq al-manat*).

⁷³ Shaykh Muhammad al-Amin al-Shanqiti, *al-Rihlah ila Ifriqiya (Journey to Africa)*, being his collected lectures and *fatwas* on his tour of Africa in 1385 H (1964/1965 CE), ed. Sa'id bin 'Abdullah al-Numayr & Bakr bin 'Abdullah Abu Zayd, Dar 'Alam al-Fawa'id [World of Benefits Publishing House], Makkah al-Mukarramah [Mecca], 1426 H / 2005 CE, pp. 150-152

⁷⁴ *Al-Nahl* (The Honey-Bee, 16:43) & *al-Anbiya'* (The Prophets, 21:7)

⁷⁵ As we have seen in the *Introduction* to this work, this situation no longer holds because the *Madhhabs* of scores of Companions (*Sahaba*), Followers (*Tabi'un*) and other Imams have now been compiled from multiple sources. For example, the Grand Mufti of Egypt mentioned in 2007 that their highest *fatwa* council consults 85 different *Madhhabs* before deciding on the most suitable answer, whilst others are still paying lip-service to the idea of following one of only Four *Madhhabs*!

The apparent, dominant view – and Allah Exalted knows better – is that no-one has the right to limit *taqlid* on the basis that no-one exists who is worthy of taking directly from the Book of Allah and the Way of His Prophet.

A holistic reading (*istiqra'*) of the tradition indicates that the principles of all misguidance return to two principles: deficiency and exaggeration, and that the truth is always in the middle, in between these two. The truth entails staying away from both sides: that of exaggeration and that of deficiency. The people of knowledge have mentioned examples of this: for example, the issue of Jesus: the Christians erred via exaggeration [by holding him to be God] whilst the Jews erred via deficiency [by not accepting him as Prophet and Messiah]. Another example is that of human actions: the Determinists (*Jabariyyah*) erred via exaggeration [by holding that we have no free will] whilst the Free-Willers (*Qadariyyah*) erred via deficiency [by denying the power of Allah's will over ours]. Similarly, regarding the *Madhhabs* of the people of knowledge: some people exaggerated whilst others were deficient. A group of people, such as Ibn Hazm and his followers, were deficient by attacking the Imams, may Allah be pleased with them, and faulting them, believing that the Imams legislated from their own selves, speaking about Allah in a way that was without indications from the Book and the Sunnah: this is a deficiency with respect to [the status of] the Imams. Another group of people exaggerated about the Imams, giving priority to their words over those of Allah and His Messenger: this is an unallowable exaggeration.

The true position (*madhhab*) is the centre between the two extremes: if there is found an unequivocal text (*nass*) from the Book of Allah or the Sunnah of His Prophet, may Allah bless him and grant him peace, then it has priority over the words of everyone. It is established authentically from each one of the Four Imams that if his saying opposes a verse of the Book or a *sunnah*, then his saying is to be discarded. However, if there is no sacred text about the issue, or there exist multiple texts that apparently clash, requiring a judgment about which text predominates, then naturally, *taqlid* of a *Mujtahid* who is qualified for *ijtihad*, such as Malik and his peers, is closer to the truth.

Appendix Two: Shaykh Shanqiti's broadening out from the Maliki *Madhhab* after his exposure to other schools

Shaykh Shanqiti's foremost student and biographer, Shaykh 'Atiyyah Salim, wrote:⁷⁶

The Shaykh's settling in Saudi Arabia had a clear influence in increasing his reading and broadening his circles of knowledge. Studies in his home country had been based upon Maliki fiqh, to the exclusion of other *madhhabs*, as well as upon the sciences of Arabic, *usul*, *sirah*, and *tafsir*: the Shaykh had mastered all of these. We have already noted that the Shaykh studied logic via his own reading. However, Hadith was not studied as deeply as other subjects, due to the people's limiting themselves to the Maliki *Madhhab*.

When the Shaykh resolved to stay in Madinah and began teaching in the Prophet's Mosque and mixing with scholars as well as laymen, he came across representatives of the Four *Madhhabs*, as well as those who would discuss these, and research and seek evidence for different views. He also found that studies in the Prophet's Mosque were not limited to a particular *Madhhab*, neither that of Malik nor of anyone else. Thus, it was necessary for anyone leading the teaching in this environment to research all the valid *Madhhabs* and know the views of various people of knowledge about each issue, whilst mastering the various fields of knowledge connected to the Qur'an and the Sunnah, since only these can settle *Madhhabi* differences. The Shaykh thus began increasing and widening his knowledge of Hadith, to encompass as much tradition as possible, along with increasing his power of deriving rulings from evidence and his precision of argument in weighing up different views. He was helped in this effort hugely by his mastery of the fundamental sciences of the Arabic language, as well as by increasing his study of Hadith texts, especially the encyclopaedic ones such as Shawkani's *Nayl al-Awtar*, Ibn Hajar's *Fath al-Bari* and others.

This influence is very prominent when he discusses jurisprudential issues in his *Adwa' al-Bayan (Lights of Eloquence)*: he provides the views of the people of knowledge in full, and favours what appears to him to be the preferred opinion, according to jurisprudential evidence, whether rational or textual.

This methodology is the way of the people of attainment: following a path of study, and continuing with research and analysis.⁷⁷

⁷⁶ cf. *An Ocean From the Desert*, Al-Qur'an Society, 3rd edition, 2022, p. 27

⁷⁷ Another leading Mauritanian Maliki scholar did *not* benefit from this kind of broadening, hence his fatwa on following only one of the Four *Madhhabs* and his view that the Zahiri school was obsolete; Shaykh Muhammad al-Amin reached exactly the opposite conclusions on these two matters because of his quarter-of-a-century wider exposure in Mecca and Medina. Shaykh al-Amin's 160-page discussion on following *Madhhabs* may be found in his commentary in *Adwa' al-Bayan (Lights of Eloquence)* on Surah Muhammad, 47:24. (Translator's note)

Appendix Three: A *Madhhabi* Misquote of Ibn al-Qayyim

In recent years, we have seen terrible misquoting of Imam Ibn al-Qayyim about this subject, making out that his position is a *madhhabi* one whereas it is actually the opposite: a holistic, *salafi* position!

The apparent reason for this unjustifiable misquote is that in his books debating different issues, Ibn al-Qayyim employs his scholarly honesty to present the opponent's side of the debate before arguing for his own position. In his *I'lam al-Muwaqqi'in 'an Rabb-il-'Alamin (Informing Those Who Sign on behalf of the Lord of the Worlds)*, as Shaykh Shanqiti confirms, Ibn al-Qayyim mentioned about thirty arguments of the proponents of *taqlid (muqallideen)*, and then refuted them from eighty-one aspects.

We have seen in recent years that one author, writing in Arabic, misquoted Ibn al-Qayyim by only quoting from his presentation of pro-*taqlid* arguments, falsely claiming that this was Ibn al-Qayyim's position, when his is the exact opposite. Another author, writing in English, quoted the above writer and thus helped perpetuate this misconception. May Allah forgive us all!

Ibn al-Qayyim has a chapter in his above-mentioned book entitled, "A debate between a follower of opinions (*muqallid*) and a person with a decisive argument (*hujjah*) who submits to Truth wherever it is found."⁷⁸ He begins this chapter with the words, "*The follower of opinions (muqallid) said: We, the assemblies of muqallids ...*" and gave about thirty aspects of their argument.

Ibn al-Qayyim then began a counter-argument having eighty-one aspects as follows:

The people with decisive argument say: This is amazing from you, O assemblies of muqallids, who bear witness against themselves, as confirmed by the testimony of the people of knowledge, that they are neither people of knowledge nor counted amongst their number! How have you nullified your own position with your own evidence?! [Of your arguments,] which support taqlid and which support istidlal (indication from evidence)? Where is the rank of the muqallid compared to that of the one employing evidence? The evidence that you have mentioned, is it not a garment that you have borrowed from the person with a decisive proof, beautifying yourself with it in front of the people? Whilst doing that, you were pretending to be full of a matter that you have not been given, enunciating knowledge that you have testified against yourselves that you have not been granted! So that is a garment of falsehood that you have worn, a status that does not befit you that you have usurped ...

It is amazing that every group and every nation claims to be upon the truth, except for the taqlid sect for they do not claim that. Were they to claim it, they would self-contradict, because they bear witness against themselves that they do not believe those positions because of any evidence leading them to it or a clear proof indicating

⁷⁸ Ibn al-Qayyim, *I'lam al-Muwaqqi'in 'an Rabb-il-'Alamin* (Informing Those Who Sign on behalf of the Lord of the Worlds), ed. Mashhur Hasan Al Salman, Dar Ibn al-Jawzi, 1423 H, vol. 2(3):470-574 & vol. 3(4):5-36; the total discussion thus runs to over 200 pages.

it, but rather their only path is pure taqlid. A muqallid does not know truth from falsehood ...

Even more amazing is that their Imams forbade them from following their opinions without evidence (taqlid), but they disobeyed them and opposed them, saying, 'We are following their Madhhabs.' However, they opposed them in the very basis of the Madhhab, since the Imams built [their Madhhabs] upon proof, and forbade following opinion, advising that when evidence becomes apparent, they should leave the Imam's views and follow the evidence. The so-called followers opposed them in all of that and said, 'We are amongst their followers.' Such are their vain desires! The Imams' true followers are only those who traverse the same path, following their footsteps in principles as well as derived matters ...

Ibn al-Qayyim said the following in his eighty-first argument against the *muqallidun*:

The muqallidun said that there was no person of knowledge left on the earth after the early ages. One group said: No-one may choose an independent view after Abu Hanifah, Abu Yusuf, Zufar, Muhammad bin al-Hasan and Hasan bin Ziyad, and this is the view of many Hanafis. Bakr bin al-'Ala' al-Qushayri, the Maliki, said: No-one may choose an independent view after the 200th year of the hijrah. Others said: No-one may choose an independent view after Awza'i, Sufyan al-Thawri, Waki' bin al-Jarrah and 'Abdullah bin al-Mubarak. Another group said: No-one may choose an independent view after Shafi'i. His muqallid followers differed about which Shafi'i jurists could have their views adopted and had jurisprudential 'aspects' (wujuh) based upon which it was possible to issue fatwas and rulings, as opposed to those for whom this was not the case. They classified the Shafi'i jurists into three ranks: people of 'aspects' such as Ibn Surayj, Qaffal and Abu Hamid al-Isfara'ini; people of 'possibilities' but not 'aspects' such as Abu l-Ma'ali; people of neither 'aspects' nor 'possibilities' such as Abu Hamid al-Ghazzali and others. They differed as to when the door of ijihad was shut, having numerous views for none of which did Allah send down any authority. According to them, ... it is no longer permissible for anyone to look into the Book of Allah or the Sunnah of His Messenger to derive rulings from them, or to give judgments and fatwas based upon their contents until these are compared to the Imam whose opinions he is following without evidence: if the rulings and fatwas agree with those of the Imam, then they are acceptable, otherwise they are unacceptable and to be rejected. As you can see, these views are extremely corrupt, false and self-contradictory, speaking about Allah without knowledge, falsifying His proofs and encouraging people to do without His Book and His Messenger's Sunnah.

Ibn al-Qayyim concluded the entire discussion by saying:

We have discussed qiyas (analogical reasoning) and taqlid (following opinion) at length. We have mentioned their sources and arguments, both for and against them, from both Tradition and Reason. A reader will not find such a discussion in the books written by people from the earliest to the latest times, and it will not be attained in any book besides this one, ever. All of this is by strength, power, aid and opening from Allah, so to Him belongs All Praise and Grace. Anything therein that is correct is from Allah, Who reminds us of His favour therewith. Any mistakes are from me and from Shaytan, and have nothing to do with Allah, His Messenger and His Religion. By Allah is all capability.

Appendix Four: Imam Shatibi's reconciliation of the Hanafi and Maliki *Madhhabs*

Imam Shatibi's own introduction to his classical text, *Al-Muwafaqat (Commonalities)* confirms that the *Maqasid* represents a holistic synthesis of the *Four Madhhabs*, i.e. a holistic, Salafi position. After summarising the contents of his book, he says:

Because of the secrets of ethical-legal responsibility (taklīf) deposited within this book, relating to this primordial way (shari'a), I named it: An Introduction to the Secrets of Ethical-Legal Responsibility. But then I moved away from this name because of a strange chain of transmission: even a wise, insightful person will be amazed by it.

In summary: One day, I met one of the Shaykhs whom I had placed in a position where they could benefit from me. I made their gatherings of knowledge stops for the journey and stations for delegations. I had begun compiling and arranging the book: certain responsibilities had come between me and its editing and completion.

*He said to me: I saw you in a dream yesterday, holding a book you had compiled. I asked you about it, and you told me it was called al-Muwafaqat [Commonalities]. I began asking you about this joyful name: you told me that in it, **you reconciled the madhhabs of Ibn al-Qasim and Abu Hanifa.**⁷⁹ I replied: You have hit the target with an accurate arrow of a true dream, and accepted a righteous and correct portion of Prophetic good tidings!*

Thus, I began compiling these meanings and resolved to lay the foundations of these buildings, for they are the accepted principles amongst the people of knowledge and the foundations upon which the ancients built.

The Shaykh was amazed at the rarity of this coincidence, just as I was amazed at embarking across this desert and having the companionship of this fellow.

All this, dear honest intimate and loyal friend, so that this book may be an aid to you in traversing the way: explaining the meanings of agreement and reconciliation. It will neither be your foundation for every realisation and analysis, nor your reference for every conceptualisation and reconciliation that appears to you. This is because the contents of this book have become one of the many disciplines of knowledge, one of its many genres, and a place to quench the thirst caused by rational disagreements and contradictory understandings. There is no doubt that it will shorten your journey, teach you how to climb in the knowledges of Sharia, where you will reach, and stop you from back-breaking paths.

It has proposed to a bride of wisdom for you, and granted you the dowry ...⁸⁰

⁷⁹ In other words, Imam Shatibi's *Muwafaqat* reconciled the Maliki & Hanafi *madhhabs*: a holistic approach, that in summary is the true Salafi approach, especially when we consider that Malik's *Muwatta* is considered by Shah Waliullah as the source-book for the Six Books of Hadith and that the Maliki school gave rise, successively, to the Shafi'i & Hanbali schools. (Shatibi being originally Maliki, he mentioned Imam Malik's top student Ibn al-Qasim, out of respect; but he had no hesitation in naming the top Imam of the complementary school, Abu Hanifa.) – Translator's note

⁸⁰ Imam al-Shatibi, *Al-Muwafaqat*, Dar al-Kutub al-'Arabi, Beirut, 2002, page 15

Appendix Five: Zamakhshari's poem on *madhhabi* sectarianism, transmitted by Shaykh Shanqiti to Shaykh Suhaib in Madinah, 1960s

The famous poem by another *tafsir* master, Abu l-Qasim Mahmud bin 'Umar bin Muhammad bin 'Umar al-Khawarizmi al-Zamakhshari (467-538 H ~ 1075-1144 CE):

إذا سألوا عن مذهبي لم أبح به وأكتمه كتماناً لي أسلم
فإن حنفياً قلت قالوا بأنني أبيع الطلا وهو الشراب المحرم
وإن مالكيًا قلت قالوا بأنني أبيع لهم أكل الكلاب وهم هم
وإن شافعيًا قلت قالوا بأنني أبيع نكاح البنت والبنت تحرم
وإن حنبليًا قلت قالوا بأنني ثقيل حلولي بغيض مجسم
وإن قلت من أهل الحديث وحزبه يقولون تيس ليس يدري ويفهم
تعجبت من هذا الزمان وأهله فما أحد من ألسن الناس يسلم
وأخبرني دهري وقدم معشرًا على أنهم لا يعلمون وأعلم
ومذ أفلح الجهال أيقنت أنني أنا الميم والأيام أفلح أعلم

When they ask me about my madhhab, I don't declare it:

I hide it, for concealing it is safer for me.

For if I say I'm Hanafi, they say that I

Permit wine, the prohibited drink.⁸¹

And if I say I'm Maliki, they say that I

Permit the eating of dogs, but they're the dogs.⁸²

And if I say I'm Shafi'i, they say that I

Permit marrying one's daughter, which is prohibited.⁸³

And if I say I'm Hanbali, they say that I

Am dense, incarnationist, hated, corporeal.⁸⁴

And if I say I'm from the people and party of Hadith, they say that I

Am a goat who neither knows nor understands.⁸⁵

I'm amazed at this age and its people:

For no-one is safe from the tongues of the public!

My time has held me back and brought forward another group:

Even though they clearly don't know, but I do know.

But ever since the ignorant have succeeded, I have certainty that I,

I am the M, whilst the days have torn lips, upper and lower.⁸⁶

⁸¹ i.e. the minority Hanafi view that prohibited wine is only that mentioned in the Qur'an, i.e. date-wine & grape-wine; other forms of alcoholic drink, such as beer from barley or hops, are permissible.

⁸² i.e. the Maliki view that shark-meat is permissible to eat. Shark is *dog of the ocean* (*kalb al-bahr*) in Arabic. The jurists differed over the permissibility of eating shark-meat, due to two conflicting texts: **Permitted to you are the catch of the ocean ...** (*Qur'an, The Last Supper, 5:96*) & **Predators with fangs are prohibited to eat** (*sahih hadith*). Most jurists gave primacy to the hadith on this issue; the Malikis differed, and allowed the consumption of shark, a type of dog, being *dog of the ocean*.

⁸³ i.e. the Shafi'i view that a man may marry his illegitimate daughter: because she is illegitimate, she is not a legitimate daughter and therefore this is not incest.

⁸⁴ i.e. a stereotype of Hanbalis relating to their doctrinal position about the Attributes of God.

⁸⁵ i.e. a stereotype of Hadith scholars that they do not understand the texts they narrate.

⁸⁶ A brilliant last line with wonderful wordplay: at first glance, it would appear to be saying that *the days are more successful (aflah) and more knowledgeable (a'lam)*. However, as Shaykh Shanqiti taught, Zamakhshari was using the rare meanings of the last two words, found in the great Arabic lexicons: *aflah* means torn upper lips; *a'lam* means torn lower lips. So the author is saying he doesn't fit into his times: the *M* requires both lips to meet to be pronounced, and this is impossible with both lips being torn. Furthermore, the author had used *a'lam* and *aflah* in the previous lines in their more usual senses of knowledge and success, respectively (*a'lamu*: I do know, and *aflah al-juhhalu*: the ignorant have succeeded). Thus, the brilliant wordplay and punnery.

Glossary of Arabic Terms

ahad: singly-narrated

'alim: a person of knowledge

fatwa: an answer given by a qualified person to a religious question.

ijma': consensus

ijtihad: 'striving': exerting independent judgment

kufr: infidelity, blasphemy, disbelief.

madhhab: position (opinion) of a scholar.

Madhhab: the school of jurisprudence consisting of the positions and principles of a leading scholar (Imam), as well as those of his students and followers.

mufti: One qualified to issue *fatwas*.

mujtahid: One qualified to perform *ijtihad*.

muqallid, pl. *muqallideen*: one who practises *taqlid*, i.e. following religious opinions without knowing the religious evidence for these.

mutawatir: widely-narrated

nass, pl. *nusus*: religious texts, especially unequivocal or unambiguous texts of the Qur'an and the Sunnah.

sunnah: an "example" set by the Prophet, may Allah bless him and grant him peace.

Sunnah: the holistic "Way" of the Prophet, may Allah bless him and grant him peace.

surah: a chapter of the Qur'an, which has 114 *surahs*, ranging in length from three verses (*ayat*) to almost three hundred.

taqlid: to follow a religious opinion without knowing the religious basis for it.

taqwa: piety; God-consciousness.

usul: "principles" (of religion or jurisprudence)

usuli: relating to *usul*



Contemplating the Qur'an is a treatise on following the Qur'an and the Sunnah, benefiting from the codified *Madhhabs* holistically whilst not following any one *Madhhab* rigidly or blindly, by Shaykh Muhammad al-Amin al-Shanqiti (1325-1393 H / 1907-1973 CE) of Mauritania and Saudi Arabia, one of the greatest authorities on the Qur'an of the 20th century CE and the 14th Islamic century. The treatise is an abridged translation of the author's *tafsir* of an *ayah* of the Qur'an (*Surah Muhammad*, 47:24) from his monumental *tafsir*, *Adwa' al-Bayan (Lights of Eloquence)*.

In this treatise, the author covers the following topics:

- Muslims must contemplate the Qur'an, learn it, understand it and act by it
- There is no basis for those who say that the above is only for the *mujtahids*
- A *muqallid* is not an *'alim*: a follower of opinions does not have knowledge
- Saying that we cannot follow the Qur'an & Sunnah but must follow the codified *Madhhabs*, is one of the greatest falsehoods
- A critique of Sawi's view that holding to the apparent meanings of the Book & the Sunnah is one of the principles of *kufr* (blasphemy)
- On *Ijtihad*, *Taqlid* & *Madhhab*; permissible and impermissible *taqlid*

He concludes with eleven "Important Notes About This Issue," including: the Four Imams were united in forbidding their blind *taqlid*; *Haram/Halal* cannot be stated on the basis of *taqlid*; the difference between *taqlid* & *ittiba'*; our stance towards the Imams; every Imam has been criticized for going against the Sunnah in particular matters (with examples); *muqallids* must distinguish between their Imam's actual views and those added to his *Madhhab* after him; it is impermissible for a Muslim to believe that the era of *ijtihad* is closed, and that only four *Madhhabs* must be followed; turning away from the Qur'an and Sunnah in favour of the Four *Madhhabs* is one of the greatest problems that has beset Muslims over recent centuries.

We have added five important Appendices. Firstly, an earlier, concise *fatwa* from the Shaykh about following *Madhhabs*, given in 1385 H (1964/5 CE). The Shaykh moved on from this *fatwa* somewhat, but we include it for the sake of integrity. Secondly, we mention the Shaykh's broadening out from his basis of the Maliki *Madhhab* after becoming exposed in Mecca and Medina to diverse views and schools from around the Muslim world. Thirdly, we correct a contemporary misquote from Imam Ibn al-Qayyim, whom the Shaykh quotes extensively in his full discussion. The misquote attempts to portray Ibn al-Qayyim as saying the opposite of his actual position, so we are happy to set the record straight. Fourthly, we show how Imam Shatibi also presented a holistic approach to the *Madhhabs*. Finally, we include Zamakhshari's classic, educational and entertaining poem about *Madhhabi* sectarianism.

ISBN (10): 0-907770-47-9

ISBN (13): 978-0-907770-47-3