

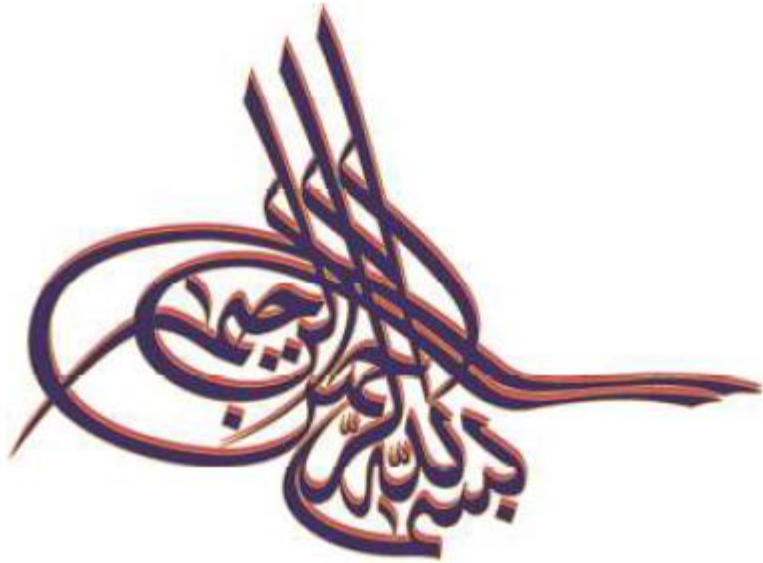


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The Right Way in the Matter of Ittibba' and Taqlid

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Introduction

This paper is dedicated to the issue of Ittiba' (following, i.e. The Book and Sunnah) and Taqlid (following one's Imam blindly). A person is judged according to the way he follows his Deen; whether he endeavours to follow the Book and the Sunnah, irrespective of the way it was delivered to him as he confines himself to follow a certain Imam even if his opinion is found not in line with the Quran or the Sunnah.

Let us begin our discussion with the saying of a great scholar of India, Shah Waliullah of Delhi (d.1776). He says in his famous book, Hujjatullah Al-Baligha:

"Let it be known that the people before the fourth century had no consensus to follow a particular Madhab absolutely. Abu Talib Makki said in his book, Qut-ul-Qulub:

"The Books and factions are all innovative. The people during the first two centuries were not confined to the sayings of the persons and to the fatwa of an individual and to consider his opinion in each and every matter and to learn Fiqh according to his Madhab only". (1)

Guided by this statement, we are going to explore first the state of the people in the first three centuries as how they used to practise their religion and then to compare it with the way it was followed by the later generations till present. Let us see the state of affairs in each century since the times of the Prophet (SAW)

1- Shah Waliullah Dehawi: Hujjat-ul-Iah al-Baligha.

A) The period of the Prophet (SAW): 23 years till 11th A.H

- 1) The Prophet (SAW) was the only source for guidance, learning, practise and following. Even if the companions differ in their understanding of his commandment or instruction he was the one to give his approval or denial. For example, in the famous event of the encounter with the Jewish tribe of Bani Quraiza, he commanded the advancing groups of believers by saying: "No one among you is to pray Asr prayer except at Bani Quraiza" (2) And here comes a difference of opinion among them when a faction of them preferred to pray Asr while they were still on their way to their destination, because Asr time was due. On the other hand, the other faction preferred to offer it at Bani Quraiza, even if it was delayed, because that was the commandment of the Prophet. Here we can notice that the latter group implemented the order literally while the former group kept to the spirit of that order. They thought that the Prophet (SAW) wanted them to go as fast as they could, so that they could be there by Asr time. But when they were left behind schedule, they were not supposed to be relaxed in the matter of the prayers. However, the Prophet (SAW) did not object to any of these two actions; a clear approval of both approaches.

- 2) Amr bin Al-As, a companion, was leading a campaign known as the Battle of Chains (Ghazwa Al-Salasil). He narrated what happened to him during a very cold night: "I had a wet dream that night. I was supposed to take a bath but I thought that I might be killed if I take a bath. So, I did my dry ablution (Tayammum) and led the members of my party in the Fajr prayer. When we returned to the Prophet (SAW), the matter was reported to him. He said to me: "Oh Amr! Did you lead your party in Fajr prayers while you were in the state of a major impurity?". I replied: I just remembered the saying of Allah Al-Mighty:

"وَلَا تَقْتُلُوا أَنْفُسَكُمْ • إِنَّ اللَّهَ كَانَ بِكُمْ رَحِيمًا"

"And do not kill yourselves, Indeed Allah is very merciful to you". (Al-Nisa: 29)

So, I did my dry ablution and prayed.

The Prophet (SAW) smiled and did not say even a word to him.

He also said to the Prophet (SAW): If I had kindled a fire to heat up the water, I might have alarmed the enemy". (3)

So here we find a companion exercising Ijtihad in a certain condition and getting the approval from the Prophet (SAW).

- 3) Another case of Ijtihad approved by the Prophet (SAW), Abu Sa'id Al-Khudsi reported:

2- Sahih Bukhari: No. 946., Sahih Muslim: No. 177.

3- Abu Dawud: No. 334., Musnad Ahmad 4: 203., Mustadrak Al-Hakim 1:177.

Two companions were travelling together. The time for the prayer was due but they did not find enough water to perform their ablution. So both of them did the dry ablution and prayed. Later, they found enough water within the time. One of them did their ablution and prayed once again. The other one did not repeat his prayer. When they came back to the Prophet (SAW), they mentioned to the Prophet (SAW) what they had done. He addressed the one who did not repeat the prayer by saying: "You acted according to the Sunnah and your prayer was sufficient for you" To the one who did ablution and repeated the prayer, he said: "You earned the reward twice" (4)

- 4) In about 28 times, the command to obey Allah and his Prophet (SAW) is given. The following verse adds an emphasis on referring back to Allah (i.e. the Quran) and to the Prophet (SAW) (i.e., the Sunnah) in all manners of dispute.

يَا أَيُّهَا الَّذِينَ آمَنُوا أَطِيعُوا اللَّهَ وَأَطِيعُوا الرَّسُولَ وَأُولِي الْأَمْرِ مِنْكُمْ ^ط فَإِنْ تَنَازَعْتُمْ فِي شَيْءٍ فَرُدُّوهُ إِلَى اللَّهِ وَالرَّسُولِ إِنْ كُنْتُمْ تُؤْمِنُونَ بِاللَّهِ وَالْيَوْمِ الْآخِرِ ^ج ذَلِكَ خَيْرٌ وَأَحْسَنُ تَأْوِيلًا

"O you who believe! Obey Allah and obey the Messenger, and those charged with authority among you. If you differ in anything among yourselves, refer it to Allah and His Messenger, if you do not believe in Allah and the Last Day: That is best, and most suitable for final determination" (Al-Nisa: 59)

- 5) In the following verse, a clear warning is given: Once a ruling comes from Allah and his Prophet (SAW), there was no option left for the believers except to follow that ruling.

وَمَا كَانَ لِمُؤْمِنٍ وَلَا لِمُؤْمِنَةٍ إِذَا قَضَى اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ ^ط وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا

"It is not fitting for a Believer, man or woman, when a matter has been decided by Allah and his Messenger to have any option about their decision: if anyone disobeys Allah and His Messenger, he is indeed on a clearly wrong Path". (AL-Ahzab: 36)

- 6) The following verse speaks about the authority of the Prophet (SAW) as a legislator:

وَمَا آتَاكُمُ الرَّسُولُ فَخُذُوهُ وَمَا نَهَاكُمْ عَنْهُ فَانْتَهُوا ^ج

4- Abu Dawud: 338., Al-Nasa'i: 1: 213.

"So take what the Messenger assigns to you, and deny yourselves that which he withholds from you". (Al-Hashr: 7)

7. The Prophet's legacy is the Book and Sunnah. He said during his last pilgrimage: "I have left among you two things; you will never be lost if you stick to them: the Book of Allah and my Sunnah. (5)

B) The Period of the Companions: (Al-Sahaba). This period covers around one hundred years after the death of the Prophet (SAW). The last companion to die in 110 AH was Abu Al-Tufail Amin bin Wathila Al-Laithi. It covers a greater part of the period of the Successors (Al-Tibi'un): those who not only met one or many of the Companions but were known to accompany them for a while. The last one among them was to survive another seventy years.

Here we want to prove that the reference point for them was always the Sunnah of the Prophet (SAW), whether it had been a case of Fatwa or a decision in a disputed matter. Let us look at a number of examples in this regard:

1) Just after the death of the Prophet (SAW), three issues had been raised. Each one was resolved in the light of the Sunnah of the Prophet (SAW).

- i) There had been a heated debate at a place called Saqifa Bani Sa'idah which was attended by a good number of Ansar (the early inhabitants of Madinah) and some from Muhajirin (immigrants from Makkah). The issue was: who was going to succeed the Prophet (SAW)? There were suggestions about having an Amir from Ansar and another from Muhajirin. Abu Bakr (RA) reminded them of the hadith of the Prophet (SAW): "Imams are to be from Quraish as long as they have the understanding (of Din)". Most willingly they accepted this ruling and on the proposal of Umar bin Khattab (RA), Syyadina Abu Bakr was chosen to be the successor (Khalifa) to the Prophet (SAW). (6)
- ii) The second issue was about the place where the Prophet (SAW) was to be buried. Once again Abu Bakr came to resolve this issue when he quoted the Hadith of the Prophet (SAW): "Whenever a Prophet dies, he is to be buried at the very same place where he dies". So, he was buried in his own house where he used to live with his wife, Ayesha (RA). (7)
- iii) The third issue was about the distribution of his inheritance. His daughter Fatimah (RA) did ask for her share in the inheritance. Abu Bakr (RA) reminded her of the saying of the Prophet (SAW): "We, the group of the Prophets, do not leave any inheritance after us. Whatever we leave, is a charity". (8)

2) Abdullah ibn Mas'ud heard a man saying after a sneeze: "Al-hamdu Lillah was Salatu Ala Rasulullah." Ibn Mas'ud said to him: "Whatever you have said is true. But that is not the way the Prophet has told us. He instructed us to simply say 'Al-hamdu Lillah' after sneezing. Say 'Al-hamdu Lillah' whenever you sneeze. If

5- Al-Mustadrak: 1:93.

6- Ibn Hisham: 4: 656.

7- Ibn Sa'ad 2:2:71., Mu'atta: 231

8- Ibn Sa'ad 2:2:71., Mu'atta: 231

you hear someone saying this after sneezing, say to him: 'Yarhamukumu Allah' (May Allah have mercy upon you). The sneezer should pray for you as well by saying: "Yahdi Kumullah wa Yuslihu Halakum" (May Allah guide you and set your affairs right). **(9)**

There are plenty of occasions when you should say: "As Salatu was Salamu 'ala Rasulullah". You should say it, for example, whenever you hear the name of our beloved Prophet (SAW) or whenever you enter a Masjid or step out of it, adding these words respectively: "Allahumma Iftah li abwaba Rahmatik" and "Allahumma Inni As'aluka min fadlika".

3) Once Abdullah bin Abbas was sitting beside the Ka'ba when Amir Mu'awiya entered the Grand Mosque and began circumambulating (Tawaf) around the Ka'ba. He kissed the black stone in the beginning, but he rubbed his hand on the other three corners of the Ka'ba (i.e. Syrian, Iraqi and Yemeni corners) as well. Ibn Abbas knew that the Prophet (SAW) – apart from kissing the black stone and rubbing the Yemeni corner – had never touched the other two corners during Tawaf, so he objected to Mu'awiya, to which he replied: "to me none of the four corners of Ka'ba is deserted". "But that was not the practise of the Prophet (SAW)", Ibn Abbas emphasised. Mu'awiya could only say: 'You have said the truth'. **(10)**

4) Abdullah bin Umar was well known for his adherence to the Sunnah. He once saw his son Bilal stopping his wife from going to the Mosque. Abdullah bin Umar said "don't do that because the Messenger of Allah has said: 'don't stop the slave-girls of Allah from entering the Houses of Allah'". Bilal was adamant that he would not allow her even after listening to this saying. Ibn Umar was so upset that he swore never to speak to him again until his dying day. **(11)**

5) Abdullah bin Amr bin As had a very large garden with a great number of palm trees. Water in this was so abundant that his assistant planned to sell the excess after irrigating the whole garden to a neighbour at an exorbitant price of thirty thousand dirhams. That offer could have attracted anyone except a companion like Abdullah bin Amr who refused to approve his sale because the Prophet (SAW) forbade the selling of any extra water. **(12)**

6) Abu Huraira used to address a gathering of Muslims on Thursday evening (Friday night). Once, before beginning his sermon he said to the people: 'whoever has cut off from any of his relations should leave this place.' No one stood up. On repeating these words thrice, a young man left the place and went to his aunt whom he had deserted a long time before and reconciled with her. **(13)**

Abu Huraira said this because he knew that all actions are presented to Allah each Friday night. He didn't like his assembly of the devout to be smeared by a person who had committed the sin of deserting his relatives. By doing so, he saved a person from a major sin. Anas ibn Malik was known to be a faithful

9- Bukhari: 8:61., Abu Dawud: 5033., Tirmidhi: 2741.

10- Musnad Imam Ahmad.

11- Bukhari: 2:7., Muslim 3:136., Abu Dawud: 565.

12- Musnad Ahmad: 2: 183.

13- Bukhari: Al-Tarikh-al-Kabir 6:207., Al-Adab al-Mufrad

servant of the Prophet (SAW). Once he was invited to a party where a Magian offered him Faluda (a well-known drink) in a silver glass. Anas refused to accept it. He preferred to drink in an earthen pot than to use the silver one because the Prophet (SAW) forbade the Muslims from eating or drinking in golden or silver utensils. **(14)**

This is how the companions behaved throughout their lives setting sublime examples of adherence to the Sunnah.

7) Once Syyedina Umar saw Khalid bin Walid wearing a silk shirt. He asked him to take it off. Khalid replied that Abdul Rahman bin Auf used to have one as well. Umar said; 'The Prophet allowed him because he suffered badly from itching'. Khalid then, had no alternative but to take it off. Following the news of the Muslims' victory in the conquest of Syria, Umar advanced to Damascus with a number of Companions. On reaching the outskirts of 'Amwas, a town in Syria, news of a wide-spread plague in the town reached him. Umar consulted his people on whether he should venture into the town. The heated discussion that followed came to an end when Abdul Rahman bin Auf cited this saying of the Prophet: 'If you are inside a place where an epidemic breaks out, don't come out of it. And don't go in if you happen to be away from such a place'. Umar eventually commanded his people to retreat. Someone still remarked: 'Umar! Do you run away from a destiny decreed by Allah?'. To this, Umar replied: "Yes we run away from one destiny to the other decreed by Allah as well". **(15)**

C) The Period of Successors (Al-Tabi'un) and those who followed them (Atba Al-Tabi'un).

We have said earlier that the period of the Successors lasted till the death of the last successor, Khalaf bin Khalifa in 180 A.H. We have chosen to speak about these three generations (Companions, Successors and those who succeeded them) because of the saying of the Prophet (SAW) : "The best people are those of my times, then those after them++++, then those after them". **(16)**

Among the successors, these seven emerged as Faqih (Jurists):

Sa'id bin Al-Musayyab, Urwah bin Zubair, Al Qasim bin Muhammad bin Abu Bakr, Kharja bin Thabit Al-Ansari, Sulaiman bin Yasar Al-Hilali, Ubaidullah bin Abdullah bin 'Utba bin Mas'ud, Abu Bakr bin Abdul Rahman bin Al Harith.

Add to them: Abu Salama bin Abdul Rahman bin A'uf, and Salim bin Abdullah bin 'Umar.

The successors followed the same way as that of the Companions; the Book and the Sunnah. Let us look at some of their sayings and examples:

1) Mutarrif bin Abdullah said: By Allah we do not want anything other than the Qur'an but we still need someone who is more knowledgable of the Qur'an than us. i.e. the Prophet (SAW). **(17)**

14- Sunan al-Baihaqi.

15- Bukhari: 7:169., Muslim al-Salam 98,100.

16- Bukhari: 8:113., Tirmidhi, 3859, 5221.

17- Ibn Abdul Barr: Jami' Bayan ul-Ilm: 2:30.

2) The Caliph 'Umar bin Abdul Aziz said: The top of the judgement is to follow what is in the Book of Allah, then by what is in the Sunnah of the Messenger of Allah. **(18)**

3) Among the most knowledgeable with the matters of divorce was Sa'id bin Al-Musayyab, with the issues of Hajj 'Ata bin Abi Rabah, with the matters of Halal and Haram Ta'us, with Tafsir Mujahid, and with all of them Sa'id bin Jubair about whom Ibn Abbas said, when the people of Kufah used to ask him any question: "Do you not have that great scholar Sa'id bin Jubair?". **(19)**

4) Al-Sha'bi (Amir bin Sharahil) said: "Pious among the first generation did not like to narrate a lot of Hadith but if I had to start afresh after the time that has passed, I would not have said anything except the one which attracted the consensus of the people of Hadith". **(20)**

5) All four Imams clearly declared their adherence to the Qur'an and Sunnah. This is what they said:

i) Imam Abu Hanifa was asked: "What do we do if we find a saying of yours opposing the Book of Allah?". He replied, "Leave my saying and stick to the Book of Allah". The questioner asked, "What if it contradicts a saying of the Prophet (SAW)?" He said, "Leave my saying in the face of the Prophet's (SAW) saying". Again he was asked, "What if it goes against the saying of a Companion?". Again he said, "Leave my saying in the face of the Companion's saying". (Al-Qawl al-Mufeed by Shawkani)

Imam Abu Hanifa also declared, "My Way (madhab) is whatever is proved by an authentic (Sahih) hadith. **(21)**

ii) The saying of Imam Malik bin Anas is well known, "Each of everyone's sayings can be accepted or rejected, except for the Prophet of Allah (SAW)". (Ibn Abdul Barr, Ibn Hazm, also in al-Yawaqeat wal Jawahir 2:96) He also said, "I am just a mortal: sometimes I am wrong, sometimes I am right. So check my opinions; whatever agrees with the Book and the Sunnah, accept it; whatever disagrees with them, reject it". **(22)**

Once Imam Shafi'i narrated a Hadith. Someone from the audience said, "Do you say so as well?". On hearing this, the Imam was enraged. His face turned pale and he said, "Woe to you! Which earth would carry me? Which sky would shelter me if I narrate a saying of the Prophet (SAW) and do not hold the same view! Do you see a zunnar (belt worn by non-Muslims) on me? Or have you noticed me coming out of a church? How can I report something from the Prophet (SAW) and not agree with it?!".

iii) Imam Ahmad bin Hanbal said, "Do not follow me or Malik or Shafi'i or Auza'i or Thauri, but take from where they took (i.e. from the Quran and authentic

18- Al-Suyuti: Miftah al-jannah, p21.

19- Muhammad Al-Khidr Al-Shanqiti: Kausar., Al-Ma'ani Al-Darari, 1:83.

20- Al-Dahabi: Tazkinat-ul-Huffaz, 1:83.

21- Al-Fulani: Iqaz, 62 with reference to Shami, 1:50.

22- Ibid, p72.

Sunnah)". He also said, "He who rejects a saying of the Messenger of Allah (SAW) is on the verge of destruction". (23)

D) The Characteristics of the Period of the Companions:

- 1) The point of reference had always been the Book and Sunnah
- 2) They had exercised their opinion rarely but only when they were unaware of any evidence from the text. This attitude is very obvious among the well known Companions like Abu Bakr and Umar.
- 3) They used to submit to the evidence whenever it was brought to their knowledge. In such cases, they never resisted to stick to their own opinion.
- 4) They were not hesitant to refer the matter to someone who was more knowledgeable if they themselves lacked the knowledge of the proper evidence.
- 5) A number of them emerged as most capable to issue Fatwa like Ayesha, Umar, Abu Bakr, Abdullah bin Abbas, Abdullah bin Mas'ud, Abdullah bin Umar, Zaid bin Thabit, Umm Salamah, 'Uthman, 'Ali, Abu Musa Al-'Ashari. Through them, the knowledge had been passed to the successors who later developed two school of thoughts; that of the people of Hadith (in Hijaz) and that of the people of opinion (in Iraq).
- 6) The difference of the opinion among the Companions was due to one of these reasons:
 - i) Absence of knowledge about a specific Sunnah.
 - ii) Interpretation of a verse in a way other than the understanding of someone else.
- 7) Collective Ijtihad had been the norm in their times. Abu Bakr and 'Umar used to consult the prominent companions whenever a new issue confronted them.

E) Characteristics of the period of the Successors and those that followed them.

- 1) Though the point of reference had remained the Book and the Sunnah, they also showed affiliation to the source of the Knowledge. I.e. the companions from whom they took the knowledge.
- 2) A number of prominent jurists emerged among them who excelled others in their knowledge and adherence to the evidence.
- 3) Because Madinah had been the original source of knowledge, there emerged the school of thought, known as "Madrassa Ashab al-Hadith". Among them are the seven prominent jurists of Madinah.

23- Ibid.

4) Abdullah bin Mas'ud had settled in Kufa. Among his pupils were 'Alqama bin Qais and Ibrahim Al-Nakhi who passed on his knowledge to Hammad bin Sulaiman, the teacher of Iman Abu Hanifa (Nu'man bin Thabit). Al-Sha'bi (Amir bin Sharahil) was the other most knowledgeable person in Kufa to establish the school of thought known as Ashab al-Ra'i (people of opinion).

5) The difference between the two schools lies in their adherence to the Sunnah. Whereas the first group depended mostly on the evidence from the Sunnah and refrained from employing their opinions in case the evidence was not available; the other group would freely exercise their opinions in a similar situation. Opinions here means Ijtihad based upon analogy (Qiyas) or general benefit (Maslahah Mursalah).

The following saying of Salim bin Abdullah bin 'Umar reveals the way adopted by the first group: "It is reported that a man came to Salim and asked him about an issue. He said: "I did not hear anything on this issue". The man said: 'May Allah keep you well, then tell me about your opinion". He replied: "No I cannot". He repeated this question and showed his willingness to accept his opinion, to which Salim replied, "It may be that if I tell you about my opinion then you leave and later I opine something different and then I do not find you". (24)

On the other hand, the following two statements highlight the way of the second group. Abdullah bin Mas'ud used to say whenever he used to issue a Fatwa: "This ruling is based upon my opinion. If it is correct, then it is from Allah, and if it is wrong, then it is from Satan". (25)

Imam Abu Hanifa said: "If I do not find the issue in the Book of Allah nor in the Sunnah of the Messenger of Allah, then I pick whatever saying I like among from the Companions and reject whomever I like. However, I do not come out of the circle of the sayings of the Companions. But if the matter reaches the level of Ibrahim Al-Nakhi, Al-Sha'bi, Hasan Al-Basri Ibn Sinan and Sa'id bin Al Musayyab, then I exercise Ijtihad as they used to do as well". (26)

6) But it does not mean that the first group was totally devoid of the 'opinion' as the second group neglected the Sunnah. Among the school of Hadith, we can find Rabi'a, known as Rabi'a Al-Raye (of the opinion) and among the Kufic school, we can come across people like Al-Sha'bi who was known for his adherence to the Sunnah. Even among the students of Iman Abu Hanifa, both Imam Yusuf and Muhammad bin Al-Hasan were known to be in line with the people of Hadith.

7) The period of the Successors to the Successors had witnessed a number of scholars who were later known to be the originators of a specific Madhab in Fiqh such as:

- Iman Abu Hanifa (d. 150)
- Imam Malik bin Anas (d. 179)
- Imam Abdul Rahman bin Amr Al-Auza'I (d. 159)
- Imam Ja'far al-Sadiq
- Imam Zaid bin Ali bin Al-Husain

24- Abdul Karim Zaidan: Al-Madkhal, 115.

25- Muhammad Abu Zuhra: Imam Shafi'i, p139

26- Ibid, p139

- Imam Laith bin Sa'd
- Imam Sufyan Al-Thawri

And immediately after them emerged some more like:

- Imam Muhammad bin Idris al-Shaf'I
- Imam Ahmad bin Hanbal (d. 240)
- Imam Abu Thaws
- Imam Abu Jarir Al-Tabari
- Imam Da'wud Al-Zahiri

Apart from the four well-known Madahib (Hanafi, Maliki, Shafi'I, Hanbali), the madhab of Imam Auzai flourished in Syria for about 230 years (till 347 AH) and in Andalusia for about forty years (till 230 AH). The Fiqh of Zaid bin Ali still survives in Yemen while the faction of Twelves among Shi'a follows the Fiqh of Ja'far al-Sadiq. Ibn Hazm (d.456) revived the Fiqhi school of Dawud Al-Zahiri through his prolific writings as projected in his book Al-Muhalla.

The remaining Imams were not followed by such a group of enthusiastic pupils who could carry on with the teachings of their mentors.

8) During this period, affiliation to a certain scholarly person by name was not known. An affiliation like 'Alawi (like that of Abdul Rahman Abu Laila) or 'Uthmani (like that of Abdullah bin Hakam) revealed one's preference for Ali over Uthman or vice versa without any feeling of hatred or malice towards the other. **(27)**

9) This period witnesses the great scholars benefitting from each other: Shafii and Muhammad bin Al-Hasan from Imam Malik; Shafii from Mohammad bin Al-Hasan; Imam Ahmad from Shafii etc.

There had been debates among them as well sometime by writing, and on other times when they had been meeting one another but with mutual respect and honours. Imam Laith wrote to Imam Malik arguing about certain issues like:

- Combining the two prayers.
- The claimant is allowed to take an oath if he has only one witness with him.
- The practise of allowing a deferred dower.
- How to end the marriage by way of Lilaa (Oath).
- To delegate the right of woman to the wife.
- To deliver the sermon before the prayer of Istisqa (asking for rain).
- Refuting the opinion of Malik about Zakat that it is not due if the two persons are found to be partners in a business and each one falls short of the Nisab. **(28)**

ii) Shafii criticises Imam Malik, especially his followers who started sanctifying his sayings and his legacies. **(29)**

27- Ibn Said: Al-Tabaqat, 6:133 (Urdu edition).

28- M.A.Zuhru, p110

29- Ibid, p70

iii) Al-Auzai debates with both Imam Al-Thauri and Imam Abu Hanifa on the issue of Raf'ul Yadain (raising one's hands before and after Ruku) ⁽³⁰⁾

iv) Imam Abu Hanifa strongly debates with his contemporary Imam Jafar Al-Sadiq in a number of issues.

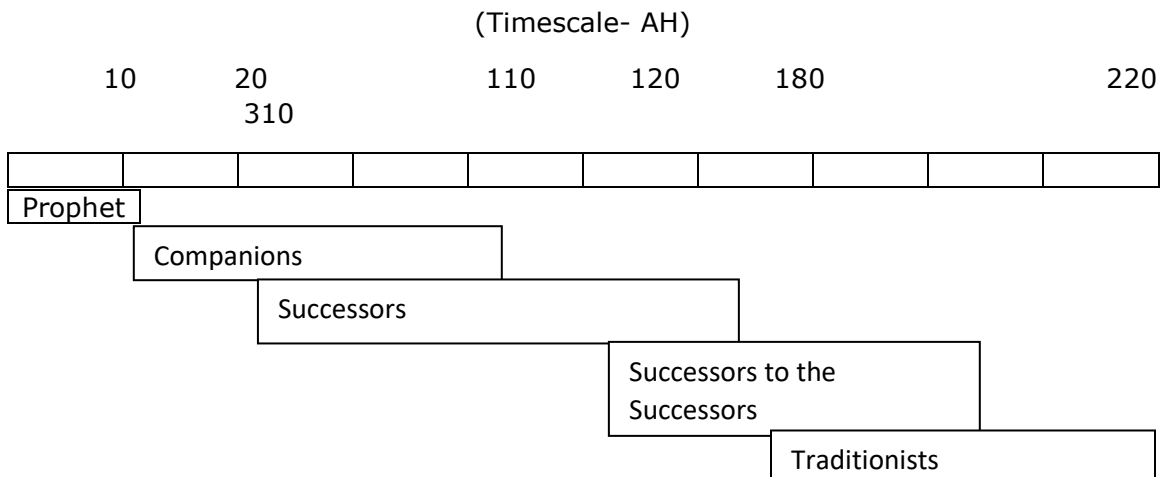
10) Apart from questions on Fiqh, a number of issues pertaining to belief and the attributes of Allah became objects of heated debate which led to factions known as Khawarij, Shia, Mu'tazila, Qadariyya, Jabariyya and Murji'a. The dissension among the factions attracted heated remarks such as Bid'a and Kafur against each other.

11) Though these Imams themselves did not embark upon a madhab of their own but their following led to turn the legacy of each Imam into a specific Madhab. Some of them established themselves and some others could not last but for a little while. Abu Hazam says:

"Two Madhab were able to spread right from the beginning, because of the authority and the Madhab rule of Abu Hanifa. It was due to Abu Yusuf who, after being appointed as Qazi, used to appoint only such people as Qadi, from the far East to the far West of Africa, those who were used to adhering to his Madhab".

Secondly, Madhab of Malik with us at Andalusia because Yahya bin Main was very close to the Caliph and was most acceptable in the matters of legal rulings. He used to appoint the judges in all the provinces of Andalusia, but only after consulting him. He would always appoint those chosen by him, especially those who professed the Madhab of Imam Malik. This led the people to excel in learning Madhab of Malik just to get a position at the court of Sultan and gain a worldly benefit. Therefore, the people followed his Madhab and left the Madhab of Al-Auzai. ⁽³¹⁾

12) We have quoted in the beginning, that strict following of a certain Imam got its root in the fourth century onwards. Let us project this phenomenon in this diagram:



30- Abdullah M. Al-Jabawi: Fiqh al-Imam Al-Auza'i, 1:26

31- Ibid, 1:68

F) The Period from the 4th Century till present:

The previous discussion covered the first three centuries of Islam. Though the period of "The Successes of the Successors" ends by 220 AH, the third century could be labelled as the century of traditionalists (Muhaddithin), which witnessed the Shuyukh (teachers) of the six collectors of Hadith like Ishaq bin Raahway (d.238). Ali bin Al-Madini (d.234), Yahya bin Ma'in (d.233), Al-Shafi (d.204) and many others. Along with Imam Ahmed bin Hanbali (d.241), the Compiler of Musnad Ahmad, came the six collectors of Hadith, namely Bukhari (d.256), Muslim (d.261), Ibn Maja (d.273), Abu Dawud (d.275), Tirmidhi (d.279) Al-Nasai (d.303) and the great traditionalist of Andalusia, Baqqi bin Makhla (d.276)

However, during this period many schools of thought had already emerged. It is natural to find the pupils of a great teacher propounding the teachings of their teachers after their death. In present times, two prominent schools of thought within the Hanafi Madhab have established themselves; Deobandi (after the name of Dar-ul-Uloom in Deoband, India) and Bareilvi (after the name of Ahmad Rada Khan of Baraili, India). After the death of Imam Abu Hanifa (d.150), Auzai (d.157), Malik (d.179), Shafii (d.204), Ahmad (d.241), there had been a division on the basis a Madhab which strongly reflected in the appointments of judges (Qadi).

Let us take the narrative of Ibn Kathir about the third century where he records, under obituaries a number of judges as follows:

Year 239 AH: Abdul Malik bin Habib, the Maliki jurist.

Year 270 AH: Dawud bin Ali Al-Zahiri, he was well-prejudiced towards Al-Shafii. This is the first mention of the word Ta'asub (Prejudice) in favour of a Madhab. But surprisingly, Dawud himself became the founder of the Zahira, School of thought.

Year 292 AH: Abdul Hamid bin Abdul Aziz Abu Hatim, the Hanafi judge.

Year 302 AH: Bishr bin Nasr bi Mansur Abdul Qasim, the Shafii jurist. Qazi Abu Zusa Muhammad bin Uthman the Shafii jurist. Till this year the people of Al-Sham (Syria) used to practise the Madhab of Imam Auzai. So, he was the first one to judge according to Shafii Madhab in the land of Al-Sham.

Year 310 AH: Abu Jafar Muhammad bin Jarir Al-Talbari. He was buried in his house because the laymen among Hanabila did not allow him to be buried at day time. They went against him as he was accused of supporting the teachings of Rafida (Shia). Some ignorant people accused him of Ilhad (having beliefs leading to disbelief). However, that was untrue. He was one of the great Imams among the Muslims who adhered to the Book of Allah and the Sunnah of His Messenger both in knowledge and practise.

Year 311 AH: Muhammad bin Ishaq bin Khuzaima: Abu Ishaq al-Shirazi says in Tabaqat al-Shafiiya, that he said: "I did not follow anyone (i.e. Madhab) since I reached the age of sixteen". ⁽³²⁾

32- Ibn Kathir: Al-Bidaya Wal Nihaya, see volume 11, from the beginning till p125.

G) By the 4th Century, adherence to one of those four Madhab became the norm of the Muslim societies to such an extent that it had led, sometimes, from disputes and riots to change from one Madhab to the other with bitterness. Here we are going to quote some of such events from the early 4th Century to the end of the fifth century AH.

Year 317 AH: A riot takes place between the followers of Abu Bakr Al-Marwazi Al-Hanbali and the common folk in Baghdad concerning the Tafsir of the verse 79 of Surah Al-Isra:

- 17:79 وَمِنَ اللَّيْلِ فَتَهَجَّدْ بِهِ نَافِلَةً لَّكَ عَسَىٰ أَنْ يَبْعَثَكَ رَبُّكَ مَقَامًا مَّحْمُودًا

"And pray in the small watches of the morning: (it would be) an additional prayer (or spiritual profit) for you: soon will your Lord raise you to a Station of Praise and Glory!"- 17:79

Hanabila said: It means that Allah Al-mighty would let him sit with him on the throne. The other said: It means 'the greatest intercession' (Al-Shafa'a Al-Uzma). So they fought with one another and many of them were killed.

Year 319 AH: Ali bin Al-Husain bin Harb, a scholar on the Madhab of Abu Thaur, worked as Qazi for a long time in Egypt until he resigned in 311 AH. He returned to Baghdad where he died in 319 AH.

Year 321 AH: Ahmad bin Muhammad Abu Jafar Al-Tahawi. He used to be a Shafii jurist but once his maternal uncle Al-Muzani said to him: "By Allah! Nothing (good) comes from you". He was infuriated a lot by this phrase and moved to Hanafi Madhab and became one of the leading scholars there.

Year 323 AH: Abul Hasan Al-Ashari. Being a Hanbali, he was impressed by Mutazila, who gave preference to the reasoning (intellect) upon the text (from Quran and Sunnah) in the beginning, but later he abandoned them and started refuting them.

Year 393 AH: Because of the efforts of Abu Hamid Al-Isfaraini (a Shafi scholar), the Caliph Al-Qadir billah appointed Ahmad bin Muhammad Al-Mazira (a Shafii jurist) as a chief Qazi, replacing Abu Muhammad bin Al-Akfani, a Hanafi jurist. It was a move which alarmed the people of Baghdad and all the eastern provinces. There was an uproar and protest, so Qazi Abul Ula Said bin Muhammad had to come from Naisabur, meet the Caliph and convince him to replace the Shafii Qazi with his predecessor, the Hanafi Qazi. ⁽³³⁾

Such was the importance to adhere to a specific Madhab, that if a Hanafi embraced the Madhab of Shafii, he would be punished. ⁽³⁴⁾

Year 332 AH: Abu Mansur Al-Maturidi, founder of his school of thought which was adopted by Hanafiyya in the matters of belief. It was a parallel movement to the Asharii school of thought which was supported by Shafiyya.

Year 422 AH: It is reported that Mahmud Ghaznawi, who was originally a Hanafi turned into a Shafii after Qaffal Al-Marwazi demonstrated to him how the prayer is

33- Ibid, till p230.

34- Muhammad Baha-ut-Din: Tarikh Ahl-e-Hadith, 2:131.

offered according to Hanafi madhab and secondly, how it is offered according to Shafi'i Madhab. ⁽³⁵⁾

Year 485 AH: By the end of this year, and because of the rise of Batiniyya, a great opponent of Abbasides, two separate Musallah (place for Imam to lead the prayers) were introduced in the Great Haram of Makkah; one for Shia and the other for Shafiyya. By the sixth century, they were increased to seven; four for the Sunni Madhahib, two for Shia and one in the name of the Sultan. ⁽³⁶⁾

By the beginning of the eighth century, they were reduced to four only. This is how they remained throughout the Ottoman empire. It was only during the time of Sultan Abdul Aziz bin Saud, in the 20th century that he brought all Muslims to pray behind the Imam.

H) A perusal of the history of the Muslim communities throughout the subsequent centuries until our present times, shows that Prejudice to one Madhab with the discard of the others had led to hatred, disunity, wrongdoing to the extent of fighting among them.

Affiliation to great scholars and Sufi saints led to attribution like Hanafi, Maliki, Shafi'i, Hanbali, Jafari in the matter of Fiqh, Ashari, Maturidi in the matter of belief; Gilani, Chishti, Suhurwardi, Tijani in the matters of Tasawwuf.

A natural question arises: Who is right among them? Who is worthier to be followed?

The answer is:

The closer you are to the model of the first three generations, the nearer you are to the Islamic teachings left by the Prophet (SAW). Was that model extinct throughout these ages?

The answer lies in this prophecy of the Prophet (SAW):

"A group from among my Ummah would remain abiding by the Haqq (the Right) who would be seen (not hidden). If someone forsakes them or opposes them, no harm would reach them until the (final) commands of Allah come while they wanted to still be there". ⁽³⁷⁾

We believe that all such people, even though they had attributed themselves to one of the Fiqhi Madhahib, they fall in this category as long as they were not Prejudiced to their Madhab to the extent of discarding a Sahih Hadith or a clear Sunnah only because the Madhab dictates otherwise.

Among such people, after the period of the first three generations of Islam (known as Salaf, to which Salafi is attributed), we find scholars like Imam Ibn Tayyimiyya (d.728), a Hanbali by attribution. Abu Jafar Al-Tahawi (d.321) a Hanafi, Imam Shaukani (d.1250) a Shafii, Ibn Rushd (d.595) a Maliki, who were all of the opinion of benefitting from other Madhahib, as long as the evidence from the Quran and Sunnah were found in their favour.

35- Ibid, With a reference of Shami 3:190.

36- Ibid, 2:210

37- Bukhari, 9:125., Tirmidhi: No. 2229.

In modern times, such examples of benefitting from all Madhahib, are seen in the work and lives of scholars like Abu Zahra (Hanafi background), Sheikh Abdul Aziz bin Baz (Hanbali), Sheikh Muhammad Amin Al-Shinqiti (Maliki), Muhibb ul-Din Al-Khateeb (Shafi'i)

On the issue of Triple Divorce said at one time by a husband to his wife, both Shanqiti and Ibn Baz stand apart. The former allows it and the latter considers it as one revocable divorce. This view was also held by Sheikh Muhammad Nasir ud-Din Al-Albani, a Salafi scholar. I benefitted from all three of them during my studies at Islamic university, Madinah, Saudi Arabia (from 1962 to 1966). This difference of opinion did not lead them to wage an abusive verbal war against one another. I have witnessed a mutual respect by which they behaved among themselves.

In present times, with the explosion of knowledge, especially in the spread of Hadith Books, there is a common trend among most of the Fiqh academies, councils for Fatwa and research to base their rulings on the evidence derived from the primary sources of Sharia without relying specifically on a certain Madhab. This is a door that has been opened towards benefitting from all Sunni Madhahib.

In our opinion, that is the right approach which should be followed by all scholars of Islam. The laymen is advised, according to the Quran (Al-Nahl:43) to ask the people of knowledge if he himself lacks the knowledge about a certain issue. Subsequently, it is incumbent on the scholar, to whom the question is raised, to answer in the light of the evidence available to him, not through blind following of a certain Imam.

This approach, whether it is called as Salafi or that of Ahl-e-Hadith doesn't matter. What matters here is that this was the approach adopted by the companions, their successors and those followed suit till the times of the traditionalists.

That was the same approach adopted by the four established Imams. Among the pupils of Imam Abu Hanifa, his two students, Abu Yusuf and Muhammad Al-Hasan differed from him in two-third issues of fiqh. Was that difference of opinion based on desire or evidence?

Of course, it was due to the evidence and this is why the opinion held by both these pupils of Imam Abu Hanifa was normally accepted by the later followers. If that approach was good and commendable in the second and the third centuries, why should it not be the norm of the Muslim societies at present?

Finally, let me conclude by saying that the wave of blind following of a certain Imam, which started establishing itself from the fourth century onward was confined to Fatwa and Qada (courts of judgement). But apart from this impediment, the Islamic era as a whole had shown glowing examples of speeches of truth and ruling based upon justice by the judges and muftis, bold decisions taken by many caliphs and sultans in defence of Islam and above-all, heroic expeditions leading to victory by a number of rulers who had left unprecedented marks on the channels of history. Such examples include Sultan Salahuddin Ayyubi, Sultan Muhammad Al-Fatih and many others during the Islamic rule in Spain and some great encounters by the Muslim warriors in India, in the face of the Marhata onslaught during the Mughal period and like that of Sultan Tipu (d.1799) who fell as a martyr, fighting the colonial forces at the gates of Surangaputam, Mysur.

Indeed, a Muslim would certainly be answering to Allah Al-Mighty, on the Day of Judgement about his adherence to the call of Allah and his Prophet (SAW), and not to his following of a certain Imam or a leader.

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