

Taqlid and Ijtihad

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The Lexical and Technical Meanings of Taqlid

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

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

The same word is also used to refer to the marking made around the neck of an animal destined for sacrifice during hajj. In addition, a camel is said to be “necklaced” (*muqallad*) when a rope is placed over its head and around its neck.

In a less literal usage, this word has the sense of placing responsibility on an individual, as in “The sultan charged (q-l-d) someone with a duty,” as charging a person in such a manner resembles putting a necklace around his/her neck. Here, the one who accepts the responsibility is as one who wears a necklace.¹

The classical *fuqahā'* define taqlid as one's “acceptance of another's *madhhab* without knowing the other person's justification.” (In this definition, *madhhab* includes everything that falls within the purview of ijtihad.²) Although the *fuqahā'* have defined the term in different ways, all agree that it signifies the acceptance of and acting upon another's word without trying to substantiate it. In other words,

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¹Entries in the dictionaries of classical Arabic may be consulted as follows: *al Misbāḥ*, 704; *al Mu'jam al Wasīṭ*, II, 706; *Tāj al 'Urūs*, II, 474-6; and *Mufradāt al Rāghib*, 411.

²For details of the various definitions put forward by the classical *fuqahā'*, see: al Jurjānī, *Ta'rifāt*, 57; al Āmidī, *al Iḥkām*, IV, 221; al Ghazālī, *al Mustasfā*, II, 387; al Māwardī, *Adab al Qādī*, I, 269; and al Shawkānī, *Irshād al Fuḥūl*, 234.

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

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

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

The difference between *taqlid* and following is therefore perfectly clear: *taqlid* means to follow someone without any justification for doing so, while following involves following what can be justified through proof. It is this difference which makes the former prohibited and the latter permissible.

The Legal Ruling on *Taqlid*: The Ṣaḥābah and *Taqlid*

In an authentic narration of a conversation between 'Alī ibn Abū Ṭālib and Kumayl ibn Ziyād al Nakha'ī, 'Alī said: "O Kumayl! Hearts are like vessels: the best contain the most good. There are three kinds of people: knowers and people of the spirit, learners on the road to salvation, and the rabble who follow anyone who brays loud enough. This group is unenlightened by knowledge and has not sought support from anything substantial. . . ." This narration censures those who believe that they know the truth despite the fact that they have little or no

³See *al Miṣbāḥ*, I, 99; and *Tāj al 'Urūs*, V, 385-8.

⁴See Ibn 'Abd al Barr, *Jāmi' Bayān al 'Ilm*, 109-19.

⁵Ibn 'Abd al Barr, *Jāmi' Bayān al 'Ilm*, II, 117; Ibn al Qayyim, *I'lām al Muwaqqi'in*, II, 190-200.

insight (*baṣīrah*), a condition which causes them to be troubled by doubt when confronted by anything they cannot understand.

Undoubtedly, an ignorant *muqallid* (lit. follower), unaware of the proof or justification cited by the one he/she imitates, is part of the rabble mentioned by 'Alī, for all he/she knows about Islam is that a certain respected imam said this or did that — he/she does not even know whether the imam's opinion was correct or not. As a result, the follower is neither lighting his/her path with the light of knowledge nor is he/she standing on solid ground, because he/she does not know what is right and what is wrong. In a prophetic hadith, the Prophet said: "Allah will not strip away knowledge from your breasts all at once. Rather, He will strip it away by taking away (through death and by slow degrees) the scholars. People will then take as their leaders those who are ignorant (of the Sharī'ah). When they are questioned, they will respond without really knowing the answers. In this way, they will go astray and lead others astray with them."⁶

It was related that Ibn 'Abbās once said: "Woe to those who follow the mistakes of the learned!" When asked what he meant, he replied: "When a scholar says something based only on his own opinion and then abandons it when he finds that someone more knowledgeable than he has given another opinion based on something related from the Prophet; while the person who asked for the opinion of the first scholar has gone away and knows nothing of the opinion based on the Prophet's hadith." It was related that Ibn Mas'ūd said: "Do not take the opinion of another in matters of religion so that if he believes you believe, and if he does not you do not! There can be no ideal in matters of evil!"

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

All of these citations indicate that taqlid was forbidden by Islam. The successor generations (*al Ṭabi'ūn*) vigorously criticized it and warned people against it. 'Abd Allāh ibn al Mu'tamm said: "There is no difference between an animal that is led and a person who makes taqlid." Thus taqlid is incorrect, unacceptable, and inadequate in terms of fulfilling one's religious responsibilities unless certain conditions are met. Following, on the other hand, is allowed, for it involves someone convincing another person, through valid evidence or proof, of the validity of his/her opinions. Ibn 'Abd al Barr said: "There is no disagreement among scholars that taqlid is corrupt . . . that is why it was never widespread (among the early generations of Muslims). It was they who said: 'If a *muqallid* respected and used his brain, he would never fall in behind another. Instead, he would use his own faculties to see for himself why it was that the great imams, even those within the same legal school, often differed.'"

⁶Imam al Bukhārī related it in the chapter of *al Iṭiṣām bi al Sunnah*.

The Imams and Taqlid

Imams Abū Ḥanīfah, Mālik, al Shāfi'ī, and Ibn Ḥanbal warned people not to blindly follow what they said or did and denounced those who did so. Imam al Shāfi'ī said: "One who seeks knowledge without proof is like a gatherer of wood who goes into the forest at night to collect fallen branches and is bitten by a snake when, thinking it to be another branch, he picks it up."⁷ His student and the narrator of his knowledge, Ibrāhīm al Muzanī, wrote in his *al Mukhtaṣar*: "I have summarized all of this from the knowledge of Imam al Shāfi'ī, and from the meaning of what he taught, in order to impart it to whoever wants it, along with notice of his prohibition of taqlid (of his opinions) or of those of others, so that the reader will himself consider the evidence for the sake of his religion, and so as to be the more circumspect about it."⁸

The great *muḥaddith* Abū Dāwūd said: "I once asked Aḥmad (Ibn Ḥanbal): 'Did Awzā'ī follow the Sunnah any closer than Mālik?' Aḥmad replied: 'In matters of religion, don't be a *muqallid* of any of those people! Take whatever is authentic from the Prophet, upon him be peace, and from the *Ṣaḥābah*. When it comes to the successor (*Tābi'ūn*) generation, you can choose.'⁹ He also said: "Don't be a *muqallid* of mine! Nor of Mālik, nor of Thawrī, nor of Awzā'ī! Rather, take from the same sources they took from."¹⁰ Abū Yūsuf said: "No one may opine what we opine unless they know the reasons why we hold that opinion."¹¹

When Abū Ḥanīfah was asked what should be done if one of his legal opinions was found to be contrary to the Qur'an, he replied: "Abandon what I said in favor of what is in the Qur'an." When he was asked what should be done if it happened that his opinion contradicted something in the hadith, he replied: "Abandon what I say in favor of the hadith of the Prophet, upon him be peace." When asked what should be done if his opinion was contrary to something opined by the *Ṣaḥābah*, he replied: "Abandon what I say in favor of what was opined by the *Ṣaḥābah*."¹² On the same subject, Mālik said: "I am human. Maybe I am wrong and maybe I am right. So look into my opinions. If they are in accordance with the Qur'an and the Sunnah, accept them. But those that are not, reject them!"¹³

Ibn al Jawzī wrote: "Taqlid is a nullification of reason, for reason was created for consideration and contemplation. It is therefore unbecoming on the part of one given the lamp of reason to extinguish it and grope about in the dark."¹⁴

⁷This was related by al Abū Bakr al Bayhaqī. See Ibn al Qayyim, *I'lām al Muwaqqi'īn*.

⁸Al Muzanī, *al Mukhtaṣar*, 1 (printed on the margin of vol. IV of al Shāfi'ī's *Kitāb al Umm*).

⁹See *Masā'il Abū Dāwūd li al Imām Aḥmad*, 276.

¹⁰Ibid.

¹¹See Ibn al Qayyim, *I'lām al Muwaqqi'īn*, II, 201.

¹²See al Shawkānī, *al Qawl al Mufid*, 54.

¹³Ibid.

¹⁴See Ibn al Jawzī, *Talbīs Iblīs*, 90.

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

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

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

¹⁵See al Shawkānī, *al Qawl al Mufīd*, 5.

¹⁶See Ibn al Qayyim, *I’lām al Muwaqqi’in*, II, 187. The attempts by Manṣūr, Hārūn al Rashīd, and others to codify and standardize the law represented, in the eyes of the imams who refused to sanction such undertakings, an attempt to limit their freedom in formulating their own legal opinions. In fact, they feared that any limitation would lead to the rulers’ attempt to quell the freedom of thought in general, thus paving the way to political absolutism. Several scholars suggested that a ruler’s confusion, resulting from the presence of so many varied and conflicting legal opinions, could be solved by endorsing a single *madhhab* while allowing all other legal opinions to be taught and to be used for the formulation of alternative solutions to current issues. Thus while no one would be prevented from formulating his/her own opinions through *ijtihād*, the problem of standardization within the courts and legal system would be resolved.

of someone whose knowledge and station are (relative to the Prophet's) so insignificant? That is clearly contradictory!" If he replies: "Because my teacher, although of a lower station, combined his own knowledge with the knowledge he gained from his predecessors. Thus his opinions were more informed in terms of what he accepted and what he rejected," it may be said to him: "Then the same must be true of those who learned from your teacher, because they combined their knowledge with his and his predecessors' knowledge. You should therefore be the *muqallid* of your teacher's students. What this means is that you should be the *muqallid* of yourself, because you have combined your knowledge with that of your teacher and his predecessors."¹⁷

The Forms of Taqlid as Defined by the *Fuqahā'*

There are three forms of taqlid. These are: a) taqlid in matters that either result in knowledge or likely assumption. Examples of this are the acceptance of testimony or evidence (when the conditions for their authenticity have been satisfied), the acceptance of a scholar's opinions on an issue of personal relevance (to the nonscholar), a blind person's facing the *qiblah* toward which he/she is directed by someone who can see, the acceptance of another's word about the biographical data of narrators of hadith, or about their reliability or lack of it. Personally, I have my doubts about whether this category actually falls under the heading of taqlid;¹⁸ b) taqlid that results in neither knowledge nor in likely assumption, depending on how these are defined, and what conditions are set for each;¹⁹ c) Taqlid that is permissible and legitimate. Imam Rāzī and those *uṣūlī* scholars who followed him considered this as taqlid of a scholar by a nonscholar, or taqlid of a more knowledgeable scholar by a less knowledgeable scholar.²⁰

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It should now be clear from the opinions and statements of the learned *Ṣaḥābah*, the *Tābi'ūn*, the *fuqahā'*, and the *uṣūliyyūn* that taqlid, generally speaking, is a practice to be avoided and that its prohibition, if it is not a matter

¹⁷See Ibn 'Abd al Barr, *Jāmi' Bayān al 'Ilm*, II, 204.

¹⁸See Ibn al Qayyim, *Muwaqqi'in*, II, 254.

¹⁹Knowledge might be defined as a certain perception that is in accordance with reality, whereas likely assumption (*ẓann*) may be understood as perception of the more likely of two possibilities.

²⁰See Tāj al Dīn al Armawī, *al Hāṣil min al Maḥṣūl*, unpublished manuscript, folio 3, 977.

of *ijmā'* (consensus among the learned), is at least the opinion of the majority (*jumhūr*). The crux of the matter is that one should rely on sources from which legal judgments may be derived. Moreover, when an individual performs *ijtihād* for himself/herself without legal proof, his/her subsequent actions are permissible only as a matter of juristic license (*rukḥṣah*) and may not, therefore, be blindly followed by another person unless that person finds a legal basis (proof) for doing so.

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

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

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

What has been stated so far leads one to the certainty, or at least to the likely assumption (*ẓann rājiḥ*), that the second type of *taqlid* mentioned above has no legitimacy, and that we are responsible for making our own *ijtihād* and for preparing ourselves to become capable of doing so. This form of *taqlid* is prohibited, as any belief based upon it is no better than a guess, which is clearly

²¹This was related by Abū Dāwūd from Jābir. The same hadith was related by Aḥmad, al Ḥākim, and Abū Dāwūd from Ibn 'Abbās, though with the words: "Is not the cure for ignorance to ask questions?" See al Suyūṭī, *al Faḥ al Kabīr*, II, 295.

²²See al Āmidī, *Iḥkām al Aḥkām*, IV, 228; al Shāṭibī, *al Muwāfaqāt*, IV, 292. An opposing position was taken by Ibn Ḥazm. See al Āmidī *Iḥkām al Aḥkām*, I, 151-3.

unacceptable as the foundation for belief. It is therefore also unacceptable as the foundation for a legal ruling or legal advice (fatwa). Such taqlid, whether of a living mujtahid or a dead one, is expressly prohibited.

The third form of taqlid given above is no different from the first.

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

- a) Taqlid of classical scholars and contemporary scholars more knowledgeable than the questioner is allowed, because Allah said: "Then ask the people of remembrance (scholars) if you yourself do not know" (Qur'an 16:43; 21:7).
- b) Some permit taqlid of only the *Ṣaḥābah* and *Tābi'ūn*, because the Prophet said: "The best of the generations is my generation, then the ones who follow them."²³
- c) Imam al Shāfi'ī (in an earlier opinion which he later altered), Imam Aḥmad ibn Ḥanbal, Ishāq ibn Rāhūyah, and Sufyān al Thawrī said that only taqlid of the *Ṣaḥābah* was permissible. In his early work, *al Risālah al Baghdādīyah*, al Shāfi'ī wrote: "The *Ṣaḥābah* were superior to us in every respect when it comes to knowledge, ijtiḥad, piety, and understanding. Accordingly, their opinions are better for us than our own." In the same work, al Shāfi'ī wrote, after further extolling the many virtues of the *Ṣaḥābah*: "So is it reasonable to expect that taqlid of them should be the same as taqlid of those who in no way measure up to them?"²⁴ Abū Dāwūd related that Aḥmad ibn Ḥanbal said: "Following means that one follows what has come from the Prophet, upon him be peace, and from his companions. After that, in relation to the *Tābi'ūn*, one may make up one's own mind."²⁵
- d) Some scholars held that taqlid of the *Ṣaḥābah* was limited to the first four caliphs (*al khulafā' al rāshidūn*), for the Prophet stated: "Adhere to my Sunnah, and to the Sunnah of the rightly-guided caliphs who come after me."²⁶

²³This hadith was related by both al Bukhārī and Muslim, as well as by al Tirmidhī and Aḥmad. See al Suyūṭi, II, 99. The scholars of hadith have themselves spoken of this type of permission. See al Māwardī, *Adab al Qādī*, I, 27.

²⁴See Ibn al Qayyim, *I'lām al Muwaqqi'in*, II, 261-2.

²⁵See Abū Dāwūd, *Masā'il al Imām Aḥmad*, 276.

²⁶Related by Aḥmad, Abū Dāwūd, al Tirmidhī, Ibn Mājah, Ibn Hibbān, and al Ḥākim on the authority of al 'Irbād ibn Sāriyah. See al Māwardī, *Adab al Qādī*, I, 271.

- e) Other scholars held that taqlid may be made only of Abū Bakr and 'Umar, because the Prophet said: "Follow the two who come after me, Abū Bakr and 'Umar."²⁷
- f) Muḥammad ibn al Ḥasan (Abū Ḥanīfah's student and al Shāfi'ī's teacher) held that taqlid by one less knowledgeable of one more knowledgeable is permitted.
- g) Another opinion is that one may make taqlid only in regard to matters of immediate concern to oneself and not in matters that may be mentioned as fatwa to others.
- h) Ibn Surayj (of the Shāfi'ī school) opined that a student may make taqlid of his/her teacher on a matter of immediate personal concern, but only if there is not enough time for him/her to perform ijtihad before the opportunity to act accordingly is lost.²⁸

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

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

The position adopted by most scholars is that, generally speaking, ijtihad and taqlid are permitted. They do not require ijtihad of everyone while declaring taqlid to be *ḥarām*, nor do they require taqlid while declaring ijtihad *ḥarām*. Ijtihad is permitted to those who are capable of it, and taqlid to those who are incapable of ijtihad. What then of the one who is capable of ijtihad? May such a one resort to taqlid? There is a difference of opinion on this question. The correct answer, however, is that taqlid is permissible for such a person when he/she is unable to perform ijtihad due to conflicting evidence, insufficient time, or a complete lack of evidence. This is because when one cannot

²⁷Related on the authority of Ḥudhayfah by Aḥmad, al Tirmidhī, Ibn Mājah, and Abū Ya'lā. See al Suyūṭī, *al Faṭḥ al Kabīr*, I, 215.

undertake ijtiḥād, the necessity to do so no longer remains. Instead, the alternative is prescribed, which in this case is taqlid. This is analogous to the person who cannot find water to perform his/her ablutions.²⁹

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

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Islam, moreover, forbids us to follow any way other than that of knowledge. Allah says in the Qur'an: "Do not pursue matters of which you have no knowledge. Surely every act of hearing, of seeing, and of the heart will be enquired into" (17:36). Thus our responsibility in regard to every aspect of the divine law (*sharʿ*), be it a command or a prohibition, is that we attain knowledge of its wisdom by whatever means possible. If sure knowledge is not possible, it is our responsibility to reach an understanding based at least on the most likely possibility. This is why our scholars have not permitted taqlid except in the case of the most ignorant and incapable.³¹

²⁸This opinion was recorded by al Māwardī in *Adab al Qāḍī*, I, 262-3.

²⁹Under such circumstances the legal alternative is to use dust under the conditions prescribed for *tayammum*.

³⁰See Ibn Taymīyah, *Majmu' al Fatāwā*, XX, 203-4.

³¹See Ibn al Qayyim, *I'lām al Muwaqqi'in*, II, 260.