

Taqleed during the Time of the Companions and Their Followers (رضى الله عنهم)

There are abundant references to Taqleed of a particular individual in the books of Sunnah. A few examples are offered below.

Imam Bukhari narrates from Ikrimah that the people of Madinah asked Ibn Abbas about a woman who – during Hajj – makes her first Tawaaf and then enters her menstrual period before she can make her final Tawaaf. Ibn Abbas told them that she could go home without completing her final tawaaf. The people of Madinah said: “We will not take your opinion over the opinion of Zaid ibn Thabit.” This narration is found in the Mu’ajjam of Isma’ili from Abdul Wahhab Thaqafi.

The words of the people of Madinah in this narration are : “We do not care whether you give us this Fatwa or you don’t. Zaid ibn Thabit hold the opinion that this woman should not go home [but wait until she is able to complete the final tawaaf].” 41

Also, this narration is found in the musnad of Abu Dawood Tayalisi from Qatada where the words of the people of Madinah are:

“We will not follow you, O Ibn Abbas as you go against the opinion of Zaid.” Ibn Abbas replied: “Ask your companion Umme Saleem when you reach Madinah [Whether my opinion is correct or not]“ (42)

Two points are clear from this dialogue between Ibn Abbas رضى الله عنهم and the people of Madinah. The first is that the people of Madinah regarded and followed Zaid ibn Thabit رضى الله عنهم

as an authority. His opinion was given preference over any other scholar. In fact, the narration in the Mu’ajjam of Ismai’ili tells us that Ibn Abbas gave the people of Madinah proof of his Fatwa by referring them to Umme Saleem.(43) Despite this proof, the people of Madinah still maintained that they trusted the opinion of Zaid ibn Thabit and his statement was proof enough. Ibn Abbas did not object to this behavior from the people of Madinah. He did not approach the people nor has anything different been narrated. He instructed them to return to Zaid and confirm the ruling with Umme Saleem. Zaid did confirm the opinion of Ibn Abbas with Umme Saleem and retracted his previous opinion. The latter part of the narration is confirmed in the books of Muslim, Nisaai, Baihaqi and others.(44) Certain quarters contend that if the people of Madinah were among those who practiced Taqleed, why did they bother to confirm the Hadith from Umme Saleem?(45) This contention is based on the misunderstanding that while making Taqleed of a certain Mujtahid, continuing research into the Quran and Sunnah is somehow forbidden or dormant. Those who reject Taqleed base many arguments on this misconception.

The nature of Taqleed in essence is that a person who does not have the immediate tools to derive Hukm Shari’ah from the Qur’an and Sunnah directly relies upon the opinion of a Mujtahid and acts upon it. The concept of Taqleed does not hinder seeking knowledge of the Quran and Sunnah. This seeking of knowledge continues even whilst practicing Taqleed. For this reason hundreds of scholars—who practiced the Taqleed of an individual – continued to write commentaries of the Quran and Sunnah and expand their

scholastic horizons. If during research an opinion of a certain Mujtahid was conclusively proven to be against the Quran and Sunnah, the “unsound” opinion would be relinquished and the stronger evidence would be adopted.

If a Muqallid (someone who follows a Mujtahid) finds that the opinion of his Imam is contrary to a Hadith, this is not necessarily antithetical to Taqleed. The narration in question, rather, prove that both Taqleed and constant examination and re-evaluation of primary evidence were both in vogue simultaneously. The people of Madinah took counsel from Zaid who confirmed the Hadith with Umme Saleem and retracted from his original position. This approach enabled reconciliation between a confirmed Hadith and the opinion of an Imam, but the key to this narration is the firm stand of the people of Madinah:

“We will not take your opinion over the opinion of Zaid ibn Thabit”

If this is not following (making Taqleed of) an individual, then it begs the question what is?

Imam Bukhari has narrated from Huzail ibn Shurahbail that some people asked Abu Musa Al-Ash’ari رضي الله عنهم a question on inheritance. Abu Musa replied advising them to ask Abdullah ibn Mas’ood رضي الله عنهم . They did so and Abdullah gave them an answer, which was very different from that of Abu Musa. When Abu Musa heard of Abdullah’s Fatwa, he acknowledged his learning and said:

“Do not ask me anything as long as this great scholar is present amongst you.”

The fact that Abu Musa acknowledged the superior knowledge of Abdullah ibn Mas’ood and then actually instructed others to ask him all their questions concerning the Deen, is in fact a mandate for following an individual.

Certain quarters contend that although Abu Musa instructed people not to follow him as long as Abdullah was present, this does not necessitate that he prevented them from asking other Companions who were still present. Abu Musa was merely emphasizing that since Abdullah is more knowledgeable than myself; people should refer to him in all matters. The answer to this contention is that this incident occurred in Kufa during the time of Uthman رضي الله عنهم where Abdullah ibn Mas’ood was the established scholar.

As of yet Ali رضي الله عنهم had not arrived in Kufa. So of the understanding of Abu Musa’s statement is merely that “when a superior scholar is present, why go to a lesser scholar?” then it still refers to the fact that Abdullah should be followed in Kufa since there was no one who could match his knowledge.

A narration in the Mu’ajjam of Tabarani tells us that Abu Musa was asked a question about suckling and he made a similar statement: “Do not ask me while this (scholar) from the companions of the Prophet is present amongst us.” So it is clear that the circumstances

and environment under which Abu Musa made this statement supports the idea of following a specific individual. Taqleed of a specific individual was not unfamiliar to the Companions.

Imam Tirmidhi and Imam Abu Dawood have both narrated that when the Prophet sallallahu alaihi wa sallam sent Mu'adh ibn Jabal to Yemen (as a governor), he asked him: "How will you judge if you are asked to do so?" Mu'adh رضي الله عنهم said: "I will judge according to the Book of Allah." The Prophet (saw) said: And if you do not find it in the Book of Allah?" Muadh said: "Then I will judge according to the Sunnah of His messenger." The Prophet (saw) said: "And if you do not find it in the Sunnah of the Messenger, or in the Book of Allah?" Muadh said: "Then I will exercise my opinion and I will not be negligent with it." The Prophet (saw) then patted the chest of Mu'adh with his hands and said: "All praise is due to Allah Who has guided the emissary of His Messenger towards that which He guided His Messenger." (46)

The Prophet sallallahu alaihi wa sallam sent one of the best scholars from amongst the Companions (raa). He appointed Mu'adh رضي الله عنهم as a governor, judge, mentor and Mujtahid for the people of Yemen and ordered, him to be followed. He allowed him, not only to give Fatwas based on the Qur'an and Sunnah, but also to use and exercise his own judgment.

It is clear that the Prophet sallallahu alaihi wa sallam decreed the people of Yemen to practice Taqleed of an individual. (47) To argue that this Hadith deals with judicial practices and not with Ijtihad and Taqleed (48) is misleading. Aswas ibn Zaid said that Mu'adh ibn Jabal came to us in Yemen as a teacher and as a governor. We asked him regarding how the inheritance should be distributed of a man who had died leaving behind a daughter and a sister. He ruled that both the daughter and the sister should receive half each.(49)

Here Mu'adh رضي الله عنهم ruled as a Mufti and did not offer any proof for his ruling. His view was implemented by merely accepting and following it as in Taqleed. However, even though Mu'adh رضي الله عنهم did not offer any explanation for his ruling, his opinion was based on the Qur'an and Sunnah. There is another Fatwa of Mu'adh رضي الله عنهم in which he used his discretion and exercised his Ijtihad. Abu Aswad Al-Dailami said that when Mu'adh رضي الله عنهم was in Yemen, people came up to him with a case of a Jew who had died and left a Muslim brother him. Mu'adh said: "I have heard the Prophet sallallahu alaihi wa sallam say that Islam increases (gives) and does not decrease (take away)."

So Mu'adh then ruled that the Muslim should inherit from the Jew.(50) Here Mu'adh رضي الله عنهم used a Hadith whose background had nothing to do with inheritance,

but still used it to form an opinion which was accepted and followed by the people of Yemen.(51)

There is yet another incident which has been narrated in the Musnad of Ahmed and in the Mu'ajjam of Tabarani which says that when Mu'adh came to Yemen, a woman from Khaulan met him and offered salaams to him. "O dear man! Who has sent you?" she asked him. "The Prophet sallallahu alaihi wa sallam has sent me" replied Mu'adh. "The Prophet sallallahu alaihi wa sallam sent you so that makes you the messenger of the Messenger of Allah. So won't you inform me of Islam O' messenger of the Messenger?" she continued "Ask me what you wish," replied Mu'adh.(52)

It is clear that Mu'adh رضي الله عنهم was sent as a representative of the Prophet sallallahu alaihi wa sallam. People would ask of him questions about Islamic issues and he would answer. The above mentioned woman verified his status and then proceeded to ask him questions. Mu'adh رضي الله عنهم obliged her and answered her questions. One of her question was

"What are the duties of a wife towards her husband?" In reply to this question, Mu'adh رضي الله عنهم did not quote the Quran nor Hadith, but merely explained the broad Islamic principles. He did not offer any proofs for his answer. After all, Mu'adh رضي الله عنهم is the one

about whom the Prophet sallallahu alaihi wa sallam said that he was the most informed of what is Halal and what is Haram.(53) The Prophet sallallahu alaihi wa sallam also said: "Mu'adh will be raised on the Day of Judgment far ahead of Scholars to a distance that one can shoot an arrow."(54)

Not only did the people of Yemen follow Mu'adh رضي الله عنهم , but so too did other Companions. Abu Muslim Khaulani said that he went to the mosque in Damascus and saw a group of Companions gathered there (and in the narration of Kathir ibn Hisham,(55) there were close to 30 Companions of the Prophet sallallahu alaihi wa sallam). Among them,

there was a young man whose eyes had antimony in them and who had white teeth. Each time they differed in an issue, they would refer to the Young man. Abu Muslim asked who the young man was and he was informed that it was Mu'adh ibn Jabal. (56)

In yet another narration of this incident, the words are:"And whenever they differed in an issue, they would refer it to Mu'adh and accept his decision as final."(57)

Mu'adh ibn Jabal رضي الله عنهم was among those Companions (raa) who were scholars and about whom the Prophet sallallahu alaihi wa sallam said that: "the most informed about what is Halal and what is Haram." He was also followed by several other Companions. The Prophet sallallahu alaihi wasallam sent him to Yemen as a governor, judge and as a scholar whose opinion should be listened to and followed. The people of Yemen obliged and this is the essence of Taqleed of an individual. There is a narration in the Sunnan of Abu Dawood in which Amr ibn Maimoon Al-Awdai said:"Mu'adh ibn Jabal RA came to us in Yemen as the messenger of the Messenger of Allah. I heard his Takbeer in Fajr and found that he had a deep voice. I developed an affinity with him and I did not leave his company

until I buried him in Syria. Then, I searched for the most learned scholar after him and found Abdullah ibn Mas'ood. I stayed with him until he died.”(58)

In this narration, Amr ibn Maimoon searched for a scholar after Mu'adh رضي الله عنهم passed away. He stayed with Mu'adh رضي الله عنهم and Ibn Mas'ood رضي الله عنهم merely to seek knowledge of Islamic Law. So as long as Mu'adh was alive, he consulted him and when he died, he consulted Ibn Mas'ood RA. Referring to only one scholar is known as following an individual.

Likewise, the Tabi'een followed individual Companions. The following are some examples:

Imam Sha'bi said: “Whoever wishes to take an authority in rulings and judgments should apply the statements of Omar رضي الله عنهم.”(59)

Imam Mujahid said: “When people disagree about an issue, they should see what Omar رضي الله عنهم did and accept it.”(60)

Imam Aa'mush said about Ibrahim al-Nakha'i:

“Ibrahim did not consider anybody's opinion to be better than Omar رضي الله عنهم and Ibn Mas'ood رضي الله عنهم when they both agreed upon an issue. When they disagreed, Ibrahim would prefer Ibn Mas'ood's opinion over Omar's.” (61)

Abu Tamimah said: “We came to Syria and found people were forming an entourage around one person. I asked someone who this person was and he told me that he was the most learned of the Companions of the Prophet sallallahu alaihi wa sallam and who was still alive. He was Omar al-Bakkali رضي الله عنهم.” (62)

Imam Ibn Jarir Tabari said: “No scholar had students who wrote his Fatwas and arranged his views in Islamic except for Abdullah ibn Mas'ood رضي الله عنهم . Even Abdullah used to forsake his view completely and give preference to Omar if he disagreed with him, but they disagreed very infrequently.”

Sha'bi said: “Abdullah did not recite the Qunut in Fajr. Had Omar رضي الله عنهم recited the Qunut, then Abdullah would have most definitely recited it also.” (63)

The several examples provide ample evidence of following one particular individual during the illustrious era of the Companions (raa).

Notes:

41 *Fathul Bari* – vol. 3, page 468 and *Umtadul Qari* – vol. 4, page 777

42 *Abu Dawood Tayalisi in his Musnad* – page 229

43 *The people of Madinah met with Ibn Abbas again and informed him that the Hadith (from Umme Saleem) was as he mentioned. Umtadul Qari* – vol. 4, page 777

44 *Fathul Bari* – vol. 3, page 468/469

45 *Tahreeke Azade Fikr, by Maulana Ismail Salfi* – page 132

46 *Abu Dawood in the chapter of judgements by opinion*

47 A certain critic – who has labelled myself and others who practice Taqleed as infidels – has written the following comments: “before offering the hadith as a proof, perhaps he should have examined whether the hadith was sound or not” (At-Tahqeeq fi Jabawab Taqleed: Page 47), Then, the above mentioned critic has quoted the famous objection stated by Shaykh Zurqaani from the footnotes of Abu Dawood. Perhaps the person in question himself would like to observe how – in the process of condemning Taqleed – he has used the principle of taqleed himself by quoting Shaykh Zurqaani’s objection to the hadith as sufficient proof against my argument. Moreover, he seems to have found it sufficient to quote the footnotes of Abu Dawood in arguing in the integrity of the Hadith. If anything, perhaps he could have read and summarised the comments Ibn Qayyim has made on this hadith refuting Zurqaani’s objections. Ibn Qayyim has argued that none of the transmitters of this hadith have been classified as liars or as weak. Their memory and integrity have not been questioned at all. Besides, there is another chain from Khatib of Baghdad which links us directly to hadith of Mua’adh RA whose narrators are all known as authentic and reliable. Also, the Ummah’s acceptance of this hadith is a very important factor in seeing the authenticity of the hadith. (Ilaamul Muq’ieen vol.1 page 172)

48 as mentioned in Tahreeke Azadi Fikr, by Muhammed Ismail

49 Bukhari vol. 2, page 99

50 Musnad of Ahmed: vol. 5, page 230 and 236 Hakim has also narrated this Hadith and classified as sound even though Bukhari and Muslim did not narrate it. Dhahabi said that it is a sound hadith (Mustadrak of Hakim vol. 4, page 345)

51 It should be noted that this ruling was Mua’dh’s own conclusion. The opinion of the majority of other Companions is based on a hadith which says that a Muslim does not inherit from a non-Muslim.

52 Al-Haithami in Majma’us Zawaid vol.4 page 307/308. Also Ahmed and Tabarani from the narration of Abdul Hamid ibn Bahraam from Shahar who were known to weak, but they also have been authenticated.

53 Nisaai; Tirmidhi and Ibn Majah – all with sound narrators (Tadeebul Asmaa wal Lughaat by Nawawi vol 1, page 99)

54 Musnad Ahmed from Omar RA (Fathur Rabbani: Vol 21, page 352)

55 Musnad of Ahmed vol. 5 page 236

56 Ibid

57 Ibid page 233

58 Abu Dawood: vol 1, page 62 and Ahmed: vol. 5, page 231

59 ‘Ilaamul Muq’ieen vol.1, page 15

60 Ibid

61 Ibid Page 13 and 14

62 Ibid page 14

63 Ibid page 16