

Ijtihâd and Taqleed

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Source: Al-Usûl min `Ilmil-Usûl (pp.97- 104)

Definition Of Ijtihâd

Linguistically *ijtihâd* means: to expend efforts in order to reach some difficult matter. Technically it means: expending efforts to arrive at a Sharî'ah ruling. And the *Mujtahid* is the one who expends efforts for this purpose.

Conditions For Ijtihâd

Being a *mujtahid* has conditions, from them:-

- [1] That he knows the Sharî'ah proofs which he needs in his *ijtihâd* - such as the *âyât* (verses) and *ahâdîth* pertaining to rulings.
- [2] That he knows what relates to the authenticity or weakness of a hadîth, such as having knowledge of the *isnâd* (chain of narration) and it's narrators, and other than this.
- [3] That he knows *an-nâsikh* (the abrogating) and *al-mansûkh* (the abrogated), and the places where there is *ijmâ'* (consensus) - such that he does not give a ruling according to something that has been abrogated, nor give a ruling that opposes the (authentically related) *ijmâ'*.
- [4] That he knows from the proof that which causes the rulings to vary, such as *takhsîs* (particularisation), or *taqyîd* (restriction), or it's like. So he does not give a judgement that is contrary to this.
- [5] That he knows the Arabic language and *usûlul-fiqh* (fundamentals and principles of jurisprudence), and what relates to the meanings and indications of particular wordings - such as *al-`âm* (the general), *al-khâss* (the particular), *al-mutlaq* (the absolute and unrestricted), *al-muqayyid* (the restricted), *al-mujmal* (the unclarified), and *al-mubayyin* (the clarified), and it's like - in order that he gives rulings in accordance with what this demands.
- [6] That he has the ability to extract rulings from the evidences.

¹ He is: Abû Abdullâh, Muhammad ibn Sâlih ibn Muhammad ibn 'Uthaymîn al-Wuhaibî at-Tamîmî. He was born in the town of 'Unayzah (Sa'udi Arabia) on the 27th of the blessed month of Ramadhân in the year 1347H. He memorised the *Qur'aan* during his early life and then continued seeking knowledge under two students of Shaykh Abdur Rahmân as-Sa'dî. He then continued to study under Shaykh 'Abdur-Rahmân ibn Sa'dî who is considered to be his first Shaykh, since he remained with him for some time - where he studied *Tawhîd*, *Tafsîr*, *Hadîth*, *Fiqh*, *Usûlul-Fiqh*, *al-Farâ'id* (Laws of Inheritance), *Nahw* (Grammar) and *Sarf* (Morphology). Ibn al-'Uthaymîn also studied under the eminent and noble Scholar, Shaykh 'Abdul-'Azîz ibn Bâz, who is considered to be his second teacher. Under him, he began studying *Sahîhul-Bukhârî*, some of the works of Shaykhul-Islâm Ibn Taymiyyah, and some of the books of Fiqh. Ibn al-'Uthaymîn says: "I was influenced by Shaykh 'Abdul-'Azîz ibn Bâz - *hafidhahullâh* with regard to the great attention he gave to hadîth, and I was also influenced by his manners and the way in which he makes himself available to, and puts himself at the service of the people." One of the foremost Scholars of *Ahlus-Sunnah* in this present age, the Shaykh is - by Allaah's grace very active in calling the people to Allaah. Indeed, he has greatly exerted himself with this regard. The Shaykh - *hafidhahullâh* has written around forty different works, some larger books and some treatises.

And *ijtihâd* may be split up, such that it may be undertaken in one particular branch of knowledge, or in one particular issue.

What Is Essential For The Mujtahid

It is essential that the *Mujtahid* strives in expending his efforts to arrive at knowledge of the truth, and to give rulings in accordance to what is apparent to him. If he is correct, then he has two rewards: one for his *ijtihâd*, and the other for arriving at the truth - since arriving at the truth means that it is manifested and acted upon. If, however, he is mistaken, then he has a single reward, and his error is forgiven for him - as he *sallallâhu 'alayhi wa sallam* said: "When a judge judges and strives and is correct, then he has two rewards. If he judges and strives and errs, then he has a single reward."² If the ruling is not clear to him, then he must withhold - and in such a case, *Taqleed* is permissible for him, due to necessity.

Taqleed - Its Definition

Linguistically, *Taqleed* means: Placing something around the neck, which encircles the neck. Technically it means: Following he whose sayings is not a *hujjah* (proof).

Excluded from our saying, "Following he whose saying is not a proof." is: following the Prophet *sallallâhu 'alayhi wa sallam*, following the *ijmâ'* and also following the saying of the *Sahâbi* - for those who consider the saying of a single *Sahâbi* to be a proof. So following any of these is not called *Taqleed*, since there is a proof for doing so. However this type of following is sometimes referred to as *Taqleed* in a very metaphorical and loose sense.

The Place Of Taqleed

Taqleed is done in two cases:

Firstly: when the *muqallid* is an *'âmi* (a common person) who does not have the ability to acquire knowledge of the *Sharî'ah* ruling by himself. So *Taqleed* is obligatory upon him, due to the saying of Allaah - *The Most High*,

"Ask the people of knowledge if you do not know."³

So he does *Taqleed* of one whom he considers to be a person of knowledge and piety. If there are two such people who are equal in his view, then he chooses any one of them.

Secondly: The *mujtahid* when he encounters a new situation, for which an immediate solution is required, but it is not possible for him to research into this matter. So in this case he is permitted to perform *Taqleed*.

Some stipulate as a condition for the permissibility of *Taqleed*, that the matter is not from the fundamentals of the *Dîn* - those matters which must be held as *'aqidah* - since matters of *'aqidah* require certainty, whereas *Taqleed* only amounts to *dhann* (knowledge which is not certain).

However the correct saying in this matter is that this is not a condition, due to the generality of his - *the Most High's* - saying, **"Ask the people of knowledge**

² Related by al-Bukhârî (13/318) and Muslim (no.1716)

³ Sûrah an-Nahl (16):43

if you do not know.” And this verse is in the context of affirming the Messengership - which is from the fundamentals of the Dîn. And also because the common person cannot acquire knowledge of the *Sharî'ah* rulings with it's proofs by himself. So if he is unable to arrive at the truth by himself, then nothing remains for him except *Taqleed*, due to the saying of Allaah - *the Most High*,

“Fear Allaah as much as you can.” ⁴

Types Of Taqleed

Taqleed is of two types: general and specific.

[1] The general type: that a person sticks to a particular *madhhab* (school of thought), accepting its concessions and non-concessions, in all matters of the Deen.

The scholars have differed about such a state. So some amongst the latecomers have reported that this is obligatory upon him, due to his inability to perform *ijtihad*. Others report it as being forbidden for him, due to its being a case of necessitating unrestricted following of other than the Prophet *sallallâhu 'alayhi wa sallam*.

Shaykh al-Islâm ibn Taymiyyah (d.728H) said:

“The saying that it is obligatory, causes obedience to other than the Prophet *sallallâhu 'alayhi wa sallam* in every matter of command and prohibition, and this is in opposition to the *ijmâ'*. And the allowance of it contains what it contains.”

He, *rahimahullâh*, also said:

“He who sticks to a particular *madhhab*, and then acts in opposition to it - without making *Taqleed* of another scholar who has given him a ruling, nor does he use an evidence as a proof which necessitates acting in opposition to his *madhhab*, nor does he have an acceptable *Sharî'ah* excuse which allows him to do what he has done - then such a person is a follower of his desires, doing what is *harâm* - without a *Sharî'ah* excuse - and this is evil and sinful.

However, if there becomes clear to him, something which necessitates preference to one saying to another - either due to detailed proofs if he knows and understands them, or because he holds one of two people to be more knowledgeable about this matter and having more piety with regards to what he says - and so he leaves the saying of that one for the saying of the other one, then this is permissible, rather, it is obligatory. And there is a text from Imâm Ahmad about this.”

[2] The particular type of *Taqleed* is that he accepts a saying about a particular matter. This is permissible if such a person is unable to arrive at knowledge of the truth by *ijtihad* - whether he is unable to in reality, or he is able, but with great difficulty.

Fatwa Of A Muqallid

Allaah - *the Most High* - said, **“Ask the people of knowledge if you do not know.”** And the *Ahludh-Dhikr* are the *Ahlul-'Ilm* (the people of knowledge),

⁴ Sûrah at-Taghâbun (64):16

whereas the *muqallid* is not a person of knowledge who is followed - rather he himself is a follower of someone else.

Ibn Abdul Barr (d.463) and others have said:

"The people are united in *ijmâ'* that the *muqallid* is not counted as being from the *Ahlul-'Ilm*, and that knowledge is the realisation of guidance along with it's proof."⁵

Ibn al-Qayyim (d.756H) said:

"And it is as Abû 'Umar (Ibn ' Abdul Barr) said: Indeed, the people do not differ about the fact that knowledge is the realisation attained from proof, but without proof, it is only *Taqleed*."⁶

Ibn al-Qayyim then quotes:

"There are three sayings about the permissibility of giving *fatwâ* (legal verdict) based upon *Taqleed*:

Firstly: It is not permissible to give *fatwâ* based upon *Taqleed*, because it is not knowledge; since issuing a *fatwâ* without knowledge is forbidden. This is the saying of most of the Hanbalî scholars and the majority of the *Shâfi'iyyah*.

Secondly: That it is permissible with regards to himself, but it is not permissible to give a *fatwâ* to others based upon *Taqleed*.

Thirdly: That it is permissible when there is a need for it, and there is no *mujtahid* scholar. And this is the most correct of the sayings and is what is acted upon."

⁵ *Jâmi' Bayânul-'Ilm wa Fadlihi* (2/119).

⁶ *I'lâmul-Muwaqqi'în* (1/7).