

## The Scope of Taqlid

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It is generally agreed that taqlid is not allowed in the case of fundamental beliefs, such as the existence of God and His attributes. The reason for this is that such questions are to be answered by the individual on the basis of his/her own knowledge and conviction, while taqlid represents reliance on the knowledge of others. Another reason for this is that there is only one truth in such matters, and all who call themselves Muslims must recognize, know, and believe in these articles of faith. Anything else would be heresy and disbelief.

The scope of taqlid is thus limited to the interpretation of particular aspects of Shari'ah rulings. Rulings on essential knowledge (*ma'lūm bi al darūrah*) about Islam<sup>1</sup> (i.e., testifying aloud; believing in the heart that God is One and has no partner; that there is no being like or similar to Him; that He neither gives birth nor was given birth to; that He has no equal; that He is the Creator of all and the One to which all creation will return; that He, the Eternal, gives and takes away life; that He and His attributes and person have no beginning and no end; and that He is the possessor of (sits upon) all (the throne of) power, are thus beyond the reach of taqlid. Each Muslim is required to acquire a knowledge of these and other similar matters. It was for this reason that the Prophet said: "Seeking knowledge is the duty of every Muslim."<sup>2</sup>

Nonetheless, certain scholars are of the opinion that taqlid is allowed even in such fundamental matters. This opinion, however, is without substance, for taqlid, as discussed above, is essentially an allowance granted to those without access to the relevant texts of the Qur'an or Sunnah. These matters cannot be categorized as such, for they are both available and totally clear to each Muslim, meaning that they are not in need of any interpretation through ijtihad.

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<sup>1</sup>Rulings on the nature of essential Islamic knowledge (i.e., the basics of Islam, the prohibition of wine and usury) are not subject to interpretation and taqlid. But, details as to what does and does not comprise a usurious transaction are subject to interpretation and taqlid.

<sup>2</sup>Related by al Daylamī in *Musnad al Firdaws* and by al Tabarānī in *Mu'jam al Awsat*, both on the authority of Ibn 'Abbās. Another version was related on the authority of Anas by Ibn 'Adī in *al Kāmil*, and by al Bayhaqī in *Shu'ab al Imān*. Still another version was related on the authority of al Husayn ibn 'Alī by al Tabarānī in *Mu'jam al Saghir* and by al Khatīb in *Tārīkh Baghdād*. See al Suyūṭī, *al Faṭh al Kabīr*, vol. II, 213.

A closely related issue is what might be called the role of the non-Sharī'ah specialist (*al 'āmmī*) vis-à-vis ijtihād. The next section will deal with this matter in some detail.

## The Role of the Nonspecialist<sup>3</sup>

In our discussion of taqlid and ijtihād, one of the most important issues is the role of the nonspecialist in relation to ijtihād. This issue has been neglected far too long, with the result that the general understanding among Muslims is that the nonspecialist plays no role at all.

In addition, a certain "taqlid mentality," born of what I will call the general "slave mentality" now prevalent in the ummah, is now one of the dominant elements in the contemporary Muslim mind. This mental shackling has robbed that mind of its effectiveness and limited its ability to undertake the role of *khilāfah*. In order for the ummah to extract itself from this deplorable situation, it must acquire knowledge. God said: "Pursue not that of which you have no knowledge; for every act of hearing, or of seeing, or of the heart will be inquired into" (17:36). Pursuing knowledge which is not of direct and immediate relevance to a practicing Muslim's life, or failure to overcome one's shortcomings in matters of fiqh, is clearly contrary to the dictates of faith, *taqwā*, and the preconditions of *istikhlāf* (i.e., thought and action).

This slave mentality gradually led to the cessation of ijtihād, a development that facilitated the spread of taqlid. Over time, and with the increasing decline of the ummah, Muslims began to believe that the door to ijtihād had been shut. Even worse, it became an article of faith among Muslims that this mistaken belief was a religious necessity.

Certain scholars claimed that nonspecialists have no recourse other than taqlid, that taqlid is a natural and legitimate state that will last forever, that nonspecialists are not required to seek alternatives to it, and that they have no role to play in the process of ijtihād. As a result, people chose to relax rather than undertake the rigors associated with learning about the rulings of Islam. However, the truth of the matter is otherwise, for the nonspecialist has a definite role to play here, some of which will now be discussed.

1. The nonspecialist may request a formal ruling (fatwa). It should be noted that this is not a request for taqlid in the sense of blind imitation, but rather one for a learned opinion, along with the relevant proof, on a question of fiqh. Such a request lifts the nonspecialist from a state of blameworthy

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<sup>3</sup>The nonspecialist referred to here is the same non-Sharī'ah specialist referred to in the preceding paragraph. For the sake of utility, however, the term has been trimmed and will be used in this abbreviated form throughout this article.

taqlid to an informed position from which he/she may understand the process by which a Shari'ah ruling is applied to a certain situation.

2. The nonspecialist may participate through his/her explanation of the issue in question. Of course, the precision with which the nonspecialist describes and presents the situation or issue in question to the mufti or *mujtahid* plays an important role in how the specialist approaches and analyzes it. Thus the role of the nonspecialist in these matters is crucial; it may be considered an essential source for framing the question and putting the matter into the proper perspective. Indeed, in many situations the *mujtahid* or *faqih* would be at a loss without such assistance and would consequently be unable to give a correct ruling.
3. Another way in which the nonspecialist may contribute is through his/her discriminating selection, by means of comparison and careful deliberation of each one's qualifications, of a *faqih* or mufti to consider his/her problem. This certainly is an area in which the nonspecialist performs an act of *ijtihād*. God said: "So ask the people of remembrance if you, yourself, do not know..." (16:43). Thus, among the meanings of this verse in relation to the "people of remembrance" (*ahl al dhikr*), is an indication that such people must be identified. Furthermore, it must be determined who among those claiming knowledge of a given subject really is qualified to be known as one of the "people of remembrance" on that particular subject. By comparing and then carefully choosing a *faqih*, the nonspecialist is performing an important function in the overall process of *ijtihād*.
4. It is recommended that the nonspecialist question the *faqih* as to how his *ijtihād* was performed. The questioner must then weigh the evidence adduced in favor of the eventual decision. A *mujtahid* may not deny a nonspecialist access to this information. As this questioning and answering may be seen as an educational or instructional aspect of *ijtihād*, it is therefore of enduring significance to the overall process.
5. The nonspecialist, as a legally responsible Muslim, is not excused from the duty to propagate and invite others to Islam to the best of his/her knowledge and ability. Among the ways he/she may do this is to explain to others the evidence used to reach the ruling in question and how the process of *ijtihād* was performed. The exchange of such knowledge will go a long way towards encouraging and reinforcing the whole process of *ijtihād*.

Making Muslims aware of their obligation to obtain knowledge of Shari'ah rulings and of the proofs and evidence that may be adduced in their support

will encourage many to seek knowledge for themselves. This positive development will soon allow them to rid themselves of the need to rely, often blindly, on the opinions of others. Ignorance of the Shari'ah cannot be accepted as an excuse for a Muslim's neglecting to perform his/her duty, nor can it be allowed to continue as an excuse for the ummah's lethargy in such matters.

From what has been presented above, it should be clear that the non-specialist, as a mature, understanding, and responsible Muslim, is certainly capable of discerning the relevance of the evidence cited to support an opinion and of passing it on to others. Likewise, the nonspecialist constitutes one of the most important elements in the process of *ijtihad*—the locus of responsibility (*al mahūm 'alayhi*)—and it is his/her condition that determines what constitutes the generally accepted concepts of detriment (*darar*), custom (*'urf*), difficulty (*haraj*), and so on. From this perspective, the nonspecialist is an important source of knowledge for the *faqih*. Moreover, any increase in his/her awareness and understanding of Islam should be considered an important part of the mission to rebuild the ummah's mentality.

It should be clearly understood that calling attention to the role of the non-specialist in the process of *ijtihad* is not the same as calling upon the non-specialist to undertake *ijtihad* on his/her own. On the contrary, the call being made is directed towards education. Each Muslim should either be a scholar or a student of Islam, for there is no room for ignorance of Islam among Muslims. A Muslim who is ignorant of his/her religion is a danger to himself/herself and to other Muslims. The ignorance of nonspecialists and the ease with which they may be influenced by heretical or innovationist ideas are among the main contributors to the present pervasive malaise in the ummah. We should remember the case of Fir'awn and his people, of whom the Qur'an says: "So he made fools of his people, and they obeyed him" (43:54). In other words, an ignorant Muslim is in constant danger of falling behind anyone who shouts loud enough or of following the created in disobedience to the Creator.

Thus, our call is designed to fight ignorance in those areas of expertise associated with the Shari'ah and the social sciences. Undoubtedly, were this understanding of our situation and its remedy to become prevalent, our youth would no longer be subject to extremism, superstition, and blind imitation. In addition, our hearts would be free to consider the message of the Qur'an and to emulate the sublime example of the Prophet.