

**TAQLEED
AND
SALAFISM**

REVISED AND EXPANDED

**JAMIATUL ULAMA
GAUTENG**

Title: Taqleed and Salafism
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Editing: Jamiatul Ulama Gauteng
Edition: 2nd—Ramadhaan 1430/September 2009
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نَحْمَدُهُ وَنُصَلِّي عَلَى رَسُولِهِ الْكَرِيمِ وَعَلَى آلِهِ وَأَصْحَابِهِ
أَجْمَعِينَ

FOREWORD

Once, Hazrat Bahlool (Rahmatullahi alaih) passed by an Aalim who was quarrelling with someone. Hazrat Bahlool (Rahmatullahi alaih) commented:

“If this person [the Aalim] had ma’rifat [real perception] of Allah, he would not have squandered his time by quarrelling with an ignoramus.”

Life is short and transitory. The goal is Divine Pleasure through obedience to Allah Ta’ala and His Beloved Rasool, Muhammad (Sallallahu alaihi wa sallam). In view of the extremely short stay in this temporary abode, people who have come to realize the purpose of their creation are continuously in pursuit of proximity unto Allah Ta’ala. They shun idle talk and idle pastimes. As much as an Aalim who has *ma’rifat* of Allah Ta’ala detests being drawn into argumentation, as he rather prefers worship of his True Beloved, Allah Subhaanahu wa Ta’ala, circumstances however necessitate that he comes to the defence of the *Deen-e-Haq* against the fabrications and falsities of the people of falsehood.

Among the people of falsehood in these times are the modernist Salafi Sect which has nothing to do in life other than to castigate the Math-habs of Haq and vilify the followers of the *Mathaahib* (plural of Math-hab). They have set their whims and fancies as their Imams and have left no stone unturned in their endeavour to

waylay the Imaan of unwary and innocent followers of the Hanafi Math-hab in particular, and other Math-habs in general. In fact, the modernist Salafi Scholars with their shallow understanding of the Qur'aan and Sunnah and their rigid Taqleed of the doctrine of Ibn Taimiyyah are currently engaged in an all out effort to rob people of their practice of the Qur'aan and Hadeeth in the beautiful and most elaborate way outlined in the *Mathaahib-e-Arba'ah*—the Hanafi, Shaafi'i, Maaliki and Hambali Schools of Thought. It has thus become obligatory upon the Ulama-e-Haq to expose the *baatil* of these peddlers of abandonment of Taqleed.

Ignorance and arrogance have become major hurdles for the anti-Taqleed protagonists. In consequence, they refuse to abandon their oblique understanding of the Shariah and rather accept the Shariah as understood and practised by the four Schools of Fiqh over the past fourteen centuries of Islam's existence. This treatise is, therefore, not directed to the votaries of abandonment of Taqleed. It is for the safety and strength of those who have this wonderful path of Taqleed to follow.

This treatise is, for the major part, a condensation of a lengthy treatise on the subject of Taqleed and Ijtihad written by the venerable *Mujaddid*¹ of his time, Hazrat Hakeemul Ummat Moulana Ashraf Ali Thanwi (Rahmatullahi alaih). Hazrat Moulana Thanwi (Rahmatullahi alaih) entitled his treatise *Al-Iqtisaad fit Taqleedi wal Ijtihad*. In view of this compilation and translation being in principle a condensation of Hazrat Moulana Thanwi's treatise, we have omitted the references to the page numbers from the original work. Apart from the work of Hazrat Moulana Thanwi (Rahmatullahi alaih), quotations have also been

¹ It is reported in a Hadeeth of Abu Dawood (*Awwalu Kitaabil Malaahim*) that Allah Ta'ala will certainly, at the turn of every century, raise for the upliftment of this Ummah a person who will revive—*Mujaddid*—the (Teachings of the) Deen.

included from other reliable and authoritative works. The references of these works have been provided in the footnotes.

This treatise is almost a pure *naql*, i.e. it consists of almost only quotations, extracts and excerpts. We have minimized the usage of our own words. The reason for this is twofold. Firstly, what we have compiled here is not our personal opinion. It is the view of the Authorities of Deen. Secondly, the statements of our elders and senior Ulama obviate the need for our comments. Considering their Ilm and Taqwa, their understanding and commentary of the Teachings of the Shariah far outweigh whatever we can produce. And, after all, we are only *muqallideen*.

Although we have relied only on quotations, we have however, amended some texts to facilitate comprehension and/or for brevity.

Kitaabs and books on the subject of Taqleed are numerous. This treatise, however, is intended to serve as a textbook on the subject of Taqleed. It is only through educating ourselves in the rudiments of this Shar'i requirement that we can thwart the menace of Salafism. And Allah Ta'ala is the Giver of Towfeeq and He is the Best Aid.

Was-Salaam

Jamiah Maseehiyah Ashrafiyyah

6th Ramadhaanul Mubaarak 1428/18th September 2007

CHAPTER ONE: TAQLEED, IJTIHAAD AND THE FUQAHA

1. What is Taqleed?

1.1 *Taqleed means* to accept someone's statement simply on the basis of a favourable opinion about him, that is, he speaks on the basis of proof and hence there is no need to question him about his proof.

1.2 *The object of Taqleed* is to practise on the Qur'aan and Hadeeth with ease.

1.3 The rejecters of Taqleed whose standard is held precariously in these times by the sect styling itself *Salafiyyoon* or *Salafiyyah* insolently dub Taqleed 'blind-following'.

'Blind' bears the following connotations:²

- without foresight, discernment, intellectual perception, or adequate information
- not governed by purpose or reason
- reckless

The very nature of Taqleed demands discernment, intellectual perception and adequate information as a favourable opinion of an Imam being qualified in the field of *Shar'i Uloom* (Islamic Sciences) and thus being worthy of being followed is dependent on these factors. Taqleed, therefore, can never be blind-following in this sense.

² Reader's Digest Oxford Complete Word-finder

The object and purpose of Taqleed have been clarified in 1.2. Thus the accusation of Taqleed being ‘blind-following’ in the sense of ‘not governed by purpose or reason’ is palpably false.

When the muqallid or person making Taqleed follows an Imam or Math-hab he understands the Imam and Math-hab to be a trustworthy guide and the safest course to obedience to the commandments of Allah Ta’ala and the teachings or Sunnah of Rasoolullah (Sallallahu alaihi wa sallam). He (the muqallid) understands his lack of competency in understanding the Qur’aan and Hadeeth. For him to resort to a self-study of the Qur’aan and Hadeeth and thereby form his own opinion is akin to bartering away his Imaan. He thus opts for the safest and surest path to the obedience and pleasure of Allah and His Rasool (Sallallahu alaihi wa sallam), and that is in Taqleed. Is this being reckless? Is this blind-following? May Allah Ta’ala save us from the deception of Shaitaan and the evil schemes of the nafs, Aameen.

When none of the connotations of ‘blind’ portray true Taqleed, the usage of this word in relation to Taqleed of the Math-habs is therefore crass ignorance or malicious obstinacy. May Allah Ta’ala save us from the evils of the tongue and nafs.

2. The Taqleed of the Rejecters of Taqleed

2.1 In so far as the rejecters of Taqleed are concerned, it should be understood that according to their very own principle [of Taqleed being haraam] it is not possible at all for them to practise on the Hadeeth. The reason for this is that practising on the Hadeeth is only possible through Taqleed of the Ulama in the matter of the Hadeeth being *Saheeh*, *Dha’eef*, *Waajibul Amal*, *Mustahab* or impermissible. And this, as is obvious, is strict

Taqleed in the *Ahkaam* [Laws of the Shariah/Fiqh]. There is no doubt to the fact that a Hadeeth being incumbent for practice, or vice versa, or disallowed for practice or vice versa are issues pertaining to the *Ahkaam*. It is precisely for this reason that the Fuqaha discuss the various laws governing the Sunnah—its acceptance, its rejection, its employment, its relaxation and the laws pertaining to the narrators—in Fiqh and Usool-e-Fiqh; these issues being the elements of the *Ahkaam*.

Now when these people reject Taqleed then what gives them the right to make Taqleed of the Muhadditheen in these issues and on what basis do they declare the views and *ijtihad* of the Muhadditheen in the field of Hadeeth categorization to be *hujjat* [proof] in the Shariah?³

3. Taqleed during the Era of Rasoolullah (Sallallahu alaihi wa sallam)

3.1 It is reported from Aswad Bin Yazeed who says: “*Mu’aaz (Radhiyallahu anhu) came to teach us the Ahkaam of the Deen and to serve as governor. We asked him the mas-alah of a deceased leaving behind a daughter and a sister. Hazrat Mu’aaz (Radhiyallahu anhu) declared half [the estate of the deceased] for the daughter and half for the sister. This was in the lifetime of Rasoolullah (Sallallahu alaihi wa sallam).*”—Bukhari and Abu Dawood

We learn from this Hadeeth that during the blessed lifetime of Rasoolullah (Sallallahu alaihi wa sallam) Taqleed was in vogue. The one posing the question did not ask for proof. He accepted

³ Qawaa'id Fee Uloomil Hadeeth, pp.281/2

the fatwa of Hazrat Mu'aaz purely on the basis of his [Hazrat Mu'aaz's] Deeni integrity. This is Taqleed.

Then, there is no evidence of Nabi (Sallallahu alaihi wa sallam) disagreeing with the *fatwa* and the implementation of the *fatwa* which transpired in his [Rasoolullah's] lifetime. Nor for that matter is any difference or rejection recorded. Thus, permissibility of Taqleed and its open and free-practice without rebuke in the lifetime of Rasoolullah (Sallallahu alaihi wa sallam) is established.

3.2 It is reported from Sulaiman Bin Yasaar that Abu Ayyoob Ansaari (Radhiyallahu anhu) went for Haj. On the way to Makkah he lost his camels. On Yowmun Nahr [the 10th of Thul Hijjah] when Haj was over he came to Umar (Radhiyallahu anhu) and related his story. Umar (Radhiyallahu anhu) said: “*Do what a person performing Umrah does and you will be released from your ihraam. Then wait for the Haj season next year and perform Haj. For now, make qurbaani and slaughter whatever you are by the means of.*” —Maalik

From this Hadeeth we learn that those Sahaabah who could not make *ijtihaad* [i.e. ascertain the ruling of a mas-alah directly from the Qur'aan or Hadeeth], they would make Taqleed of the *Mujtahideen* Sahaabah. Hazrat Abu Ayyoob Ansaari (Radhiyallahu anhu) was also a Sahaabi and he did not ask Hazrat Umar (Radhiyallahu anhu) for any proof for his *fatwa*.

3.3 Episodes of this nature among the Sahaabah, and even during the blessed era of Rasoolullah (Sallallahu alaihi wa sallam) reports of *istiftaas* [questions] and *fatwas* without references and proofs among the Sahaabah or among the Taabi'een and Sahaabah have been documented with such abundance that it is an awesome task to compile all. Those versed in Hadeeth literature are well aware of this.

4. Following a Particular Imam or Math-hab

4.1 It is reported from Hazrat Hudhaifah (Radhiyallahu anhu) that Rasoolullah (Sallallahu alaihi wa sallam) said: *“I do not know how long I will be with you people. Therefore, follow these two who will be after me.”* Nabi (Sallallahu alaihi wa sallam) indicated to Hazrat Abu Bakr and Hazrat Umar (Radhiyallahu anhuma).—Tirmithi

The purport of *“who will be after me”* is: during their reign of Khilaafat. Thus, the command is to follow them during their respective terms of Khilaafat. And, obviously, the Khaleefah is a single person. The conclusion thus is to follow Hazrat Abu Bakr (Radhiyallahu anhu) during his Khilaafat and Hazrat Umar (Radhiyallahu anhu) during his Khilaafat.

Thus, Nabi (Sallallahu alaihi wa sallam) instructed that one particular person should be followed for a specific time. And nowhere did he state that proof for the *Ahkaam* should also be enquired. Nor was it a standard practice of ascertaining the proof for each and every mas-alah. This is nothing but following a particular Imam or Math-hab.

4.2 It is reported from Aswad Bin Yazeed who says: *“Mu’aaz (Radhiyallahu anhu) came to us to teach the Ahkaam of the Deen and to serve as governor. We asked him the mas-alah of a deceased leaving behind a daughter and sister. Hazrat Mu’aaz (Radhiyallahu anhu) declared half [the estate of the deceased] for the daughter and half for the sister. This was in the lifetime of*

Rasoolullah (Sallallahu alaihi wa sallam).” —Bukhari and Abu Dawood

Just as Taqleed being Sunnat is proven from this Hadeeth, as mentioned in its appropriate place [see 3.1], similarly this Hadeeth confirms Taqleed of an Imam or Math-hab. The reason for this is that when Nabi (Sallallahu alaihi wa sallam) sent Hazrat Mu’aaz (Radhiyallahu anhu) to Yemen to teach the Ahkaam of the Deen he most assuredly gave permission to the people of Yemen to refer to him [Hazrat Mu’aaz] in all their affairs. This is Taqleed of an Imam.

4.3 It is reported from Hazrat Huthail Bin Shurahbil that a question was posed to Hazrat Abu Moosa (Radhiyallahu anhu). Then the same question was posed to Hazrat Ibn Mas’ood (Radhiyallahu anhu) and he was furthermore informed of the fatwa of Hazrat Abu Moosa (Radhiyallahu anhu). Hazrat Ibn Mas’ood gave another ruling. This was brought to the notice of Hazrat Abu Moosa. Upon listening to Hazrat Ibn Mas’ood’s answer, he said: *“As long as this ‘Ocean of Knowledge’ is in your midst, do not refer to me.”*—Bukhari, Abu Dawood and Tirmithi

Any person can understand from the words of Hazrat Abu Moosa: *“As long as he is in your midst, do not refer to me,”* that he instructed them to take all their questions to him [Hazrat Ibn Mas’ood Radhiyallahu anhu]. And this is Taqleed of an Imam, that is, to refer all one’s questions, due to some determinant, to one Aalim and act according to his *fatwa*.

5. Why it is Incumbent to Follow a Particular Imam or Math-hab

5.1 It should be borne in mind that the incumbency of something [in the Shariat] is established in any of the following ways:

- The Qur'aan or Hadeeth directs special emphasis to some act, e.g. Salaah, Sowm, etc. Such incumbency is termed *wujoob biz zaat*.
- The act itself has not been emphasized; however, practically it is not possible to carry out those acts which have been emphasized in the Qur'aan and Hadeeth without resorting to this act. In this case, this act will also be considered necessary. This is the purport of the Ulama's words: "*The foundation of a Waajib is also Waajib.*" Take as an example the writing and printing of the Qur'aan and Hadeeth literature. Nowhere in the Shariah is this emphasized. In fact, the following Hadeeth clearly evinces the non-compulsion of writing. It is reported from Hazrat Ibn Umar (Radhiyallahu anhu) that the Rasool of Allah (Sallallahu alaihi wa sallam) said: "*We are an Ummi Nation. We neither write nor calculate.*"—Bukhari and Muslim

The Hadeeth clearly indicates its purport. Now, when writing in general is not waajib, then how can writing something in particular be waajib?

However, the preservation of the Qur'aan and Hadeeth has been emphasized. And, it is proven through experience and observation that it is not practically possible to preserve the Qur'aan and Hadeeth without resorting to writing and printing. Therefore, the writing and printing of the Qur'aan and Hadeeth are regarded to be necessary. Accordingly, there is an implied consensus of the entire Ummah for the past 14 centuries on its incumbency in this way. Such an incumbency is termed *wujoob bil ghair*.

After understanding the types of *wujoob* and their nature, now understand that when it is said that the Taqleed of a particular Imam or Math-hab is *waajib*, then it means *wujoob bil ghair*, not *wujoob biz zaat*. Thus, there is no need to produce an Aayat or Hadeeth which emphasizes this type of Taqleed in name, just as a demand of an Aayat or Hadeeth is not made for proof of the incumbency of writing and printing the Qur'aan and Hadeeth literature. Despite the unambiguous averment of the aforementioned Hadeeth that writing is not incumbent, it has nevertheless been considered *waajib*. Further, this is not viewed as a conflict with the Hadeeth. In the same way, there is no need to produce any Nass [explicit Qur'aanic or Hadeeth text] to show the *wujoob* of Taqleed of an Imam or Math-hab.

Yes, there is a need to prove two premises, viz.:

- What the disadvantages in the prevailing circumstances of not follow a particular Imam or Math-hab are?
- The *wujoob* of those factors

The following injunctions of the Shariah will be adversely affected in the absence of Taqleed of a Math-hab:

1. Sincerity in niyyat, namely, the motive of *Ilm* and *Amal* is only the Deen
2. The Deen being the determinant
3. Abstention from acts which are harmful to one's Deen
4. Abstention from opposing the *Ijma'* or Consensus of the Ahl-e-Haq
5. Abstention from transgressing the perimeters of the Laws of the Shariah.

These being *waajib biz zaat* is emphatically proven in the Ahadeeth.

Experience has proven that those who renounce Taqleed of an Imam or a Math-hab fall victim to insincerity and taqleed of their nafs. They harm their Deen, oppose the Consensus of the Ummah and transgress the limits of the Shariah. [Details and examples are too numerous to cite in this short treatise. Only someone blind to reality will venture to claim the contrary. Just one example will be cited for the benefit of those who are in search of the Truth.]

For instance, a person made wudhu. Thereafter he cut himself and blood flowed rendering the wudhu invalid according to Imam Abu Haneefah (Rahmatullahi alaih). This person says: “I adopt the *fatwa* of Imam Shaafi’i who does not view wudhu breaking through the flowing of blood from a cut.” After this he touches a woman with passion which according to Imam Shaafi’i (Rahmatullahi Alaih) nullifies the wudhu. However, he uses the *fatwa* of Imam Abu Haneefah of wudhu not breaking in this case and without renewing his wudhu he performs Salaat. In view of his wudhu becoming null by Consensus, regardless of the difference in the nullifying factor, his Salaat is invalid (baatil) according to all the Aimmah. [This person has thus perpetrated the act of flirting with the math-habs in pursuance of his *nafsaani* agenda and breaking the *Ijma*’ of the Shariah. The consequence of which is that whilst he labours under the misconception of his Salaat being in order, in actual fact his Salaat is *baatil*.]

And the reason for this [corruption ensuing in the wake of fleeing from Taqleed] is that in these times corruption and base motives have settled in the disposition of most people. This is obvious and it has been prophesied in the Ahadeeth on *Fitnah* [trials, mischief and evil times]. Those versed in *Ilm* and Hadeeth are fully aware of this.

6. Why Confine Taqleed to the Four Math-habs?

6.1 Previously it was proven that Taqleed of a particular Imam is necessary. Furthermore, selecting views from different Imams is fraught with harm. Thus, it is imperative to make Taqleed of an Imam whose Math-hab has been compiled and codified with such principles and particulars on the basis of which solutions to almost all questions are available. In this way there remains no need to refer to other views.

By Divine Intervention this attribute is found only in the Four Math-habs [Hanafi, Shaafi'i, Maaliki and Hambali]. No other Math-hab enjoys this status. Thus, it is imperative to adopt one of these four Math-habs, as opting for a fifth Math-hab will result in the same problem and discrepancy of flirting with the Math-habs in fulfilment of the nafs' desire to remain unfettered from the Shariat. The corruption of this has been clarified earlier.

This is the reason for confining Taqleed to these Four Math-habs and hence for centuries this has been the standard practice of the *Jumhoor* Ulama of the Ummat. Some Ulama have even recorded *Ijma'* that the *Ahlus Sunnah wal Jama'ah* is confined to these Four Math-habs.

6.2 For Taqleed it is necessary that the Mujtahid's Math-hab be compiled. Taqleed of the illustrious Sahaabah is difficult, because none of their Math-habs are fully compiled and codified. However, through the medium of Taqleed of the *Aimma-e-Arba'ah* [the Four Imams], we follow the Sahaabah.

7. The Reason We Follow the Hanafi Math-hab

7.1 We reside in a place where the Math-hab of Imam Abu Haneefah (Rahmatullahi alaih) is prevalent without any endeavour on our part. Ulama and Kitaabs on this Math-hab are to be found in abundance. Had we adopted another Math-hab it would have been difficult for us to ascertain the laws applicable to daily circumstances. This is due to the fact that the Ulama do not possess that insight and deep understanding of another Math-hab as they possess in their own Math-hab. In view of their engrossment in the study and teaching of their own Math-hab, they cannot achieve the same degree of expertise in another Math-hab as they enjoy with their own Math-hab, although study of the Kitaabs of another Math-hab is possible. This point is self-evident and obvious to the *Ahl-e-Ilm*.

7.2 The determinants in adopting a Math-hab for those who embrace Islam or for those who, after having plodded the path of Salafism and deviation, are guided by Allah Ta'ala to the Path of Taqleed and the Sunnah, are:

- presence of reliable and expert Ulama with whom one can communicate and refer to for one's daily *Deeni Masaail*, and
- availability of adequate literature on the Math-hab.

8. The Question of Taqleed Being Prohibited in the Qur'aan

8.1 **Question:** The Qur'aan censures Taqleed in this Aayat: "*When it is said to the kuffaar: 'Follow the laws which Allah Ta'ala has revealed,' then they answer: 'No! In fact, we will follow the path of our forefathers.'* (Dismissing their response Allah Ta'ala declares): *What! Will they keep to the path of their*

forefathers regardless of their forefathers lacking understanding of Deen and them being astray?”

This shows that it is evil to follow the way of one's predecessors when we have the Qur'aan and Hadeeth.

Similarly, it is stated in another Aayat that when you have a dispute, then refer the matter to Allah and His Rasool. From this we can understand that we should not refer to an Imam or Mujtahid.

Response: The mere translation of the former Aayat reveals that the Taqleed of the kuffaar has no affinity with the Taqleed under discussion. The Taqleed of the kuffaar has been denounced for two reasons.

The first is that they would reject the Aayaat and Ahkaam saying: *“We do not accept it. We would rather prefer to follow our elders.”*

Secondly, their elders lacked intelligence in the Deen and they lacked guidance.

These two are non-existent in the Taqleed we are discussing. Neither does any muqallid say that he rejects the Aayaat and Ahadeeth. In fact, he [the muqallid] says: *“Our Deen is the Qur'aan and Hadeeth. However, I am ignorant”* or *“I lack knowledge”* or *“I am totally incompetent in the field of ijtihaad and istimbaat. I do, however, have a favourable opinion and faith in a certain Aalim”* or *“Imam. He was thoroughly versed in the words and meanings of the Aayaat and Ahadeeth. Thus, I consider the purport which he understood [from the Qur'aan and Hadeeth] to be correct and the stronger view. Therefore, I am acting on the Hadeeth, albeit in accordance with his guidance.”*

In short, no muqallid rejects the Qur'aan and Hadeeth. And the Imam whom he follows did not lack knowledge and guidance, as is proven through reliable transmission from generation to generation (*tawaatur*) that they possessed intelligence and guidance.

Thus, in view of both reasons [for the denunciation of the Taqleed of the kuffaar] being non-existent here, this Taqleed [of the Math-habs] is beyond the ambit of the Qur'aanic censure.

And how can Taqleed [of the Math-habs] on the whole be the purport of the Aayat? Otherwise, the Aayat will be in clear contradiction to all those Ahadeeth which establish the validity of Taqleed.

9. The Accusation of the Muqallids Discarding Ahadeeth

9.1 Just as it is permissible to deduce a law through ijtihaad, similarly, it is also permissible to regard a Hadeeth to be subject to rationale and act in accordance with the rationale. This entails specifying the sphere of the *Ahkaam* or placing it on one of several possibilities or restricting a general rule or acting on the inner meaning rather than the external meaning. This is not in conflict with the Hadeeth nor does it amount to discarding of the Hadeeth. Therefore, such an ijtihaad is permissible and furthermore Taqleed of such an *ijtihaad* is also perfectly permissible.

9.2 In Bukhari it is reported from Ibn Umar (Radhiyallahu anhu) that Rasoolullah (Sallallahu alaihi wa sallam) said to the Sahaabah after the Battle of Ahzaab: "*None of you shall read Asr Salaah before reaching the Bani Quraitah.*" Asr time came whilst some Sahaabah were still on the way. They were split on

what to do. Some said: “No, we are going to read our Salaah. That was not the purport of Rasoolullah (Sallallahu alaihi wa sallam). —His purport, rather, was to emphasize speed and haste in reaching there before Asr.”—This incident was brought to Rasoolullah’s notice. He did not reprimand or mete out punishment to anyone.

In the above episode some understood the actual purport by virtue of *quwwat-e-ijtihaadiyyah* [power of ijtihaad]. The purport they understood was one of the two possibilities and they performed the Salaat. Rasoolullah (Sallallahu alaihi wa sallam) did not reprimand them by saying: “Why do you discard the apparent meaning.” And nor did he declare them discarders of the Hadeeth.

9.3 To aver in relation to any mas-alah that it is in conflict with the Hadeeth depends on three things:

- The purport of the mas-alah is correctly understood by the one who makes the averment,
- its *daleel* is known, and
- the Mujtahid’s procedure of inference is known.

If any of these three factors remain obscure to the objector, his judgement will be erroneous.

For instance, Imam Abu Haneefah’s statement of *Salaatul Istisqa* not being Sunnat is well-known. The apparent meaning of this statement seems to be in conflict with the Hadeeth because it is mentioned in the Ahadeeth that Rasoolullah (Sallallahu alaihi wa sallam) performed *Istisqa Salaat*. However, the purport of this statement [of Imam Abu Haneefah] is that it is not Sunnat-e-Muakkadah. Accordingly, once Rasoolullah (Sallallahu alaihi wa sallam) performed Salaah and made Du’aa for rain, and on other occasions he would make Du’aa without performing this Salaah. Thus, we find the following Hadeeth in Bukhari:

“It is reported from Anas (Radhiyallahu anhu) that Rasoolullah (Sallallahu alaihi wa sallam) was delivering the Khutbah on Jumu’ah day when a person stood up and said: ‘Yaa Rasoolallah! Horses and goats have perished. Make Du’aa unto Allah Ta’ala for rain.’ Rasoolullah (Sallallahu alaihi wa sallam) stretched out both his hands and made Du’aa.”

The above purport of Imam Abu Haneefah (Rahmatullahi alaih) is furthermore revealed by the following text of *Hidaayah*:

“We [the Ahnaaf] say that he [Rasoolullah Sallallahu alaihi wa sallam] did it on one occasion and omitted it on another occasion. It, therefore, is not sunnat.”—Awwalain

Thus, once the correct purport surfaces the question of opposition is dispelled.

Similar is the case when the daleel remains obscure. For instance, varying Ahadeeth are reported in regard to one mas-alah. Now by merely looking at one of the Hadeeths it will be incorrect to aver that a Mujtahid has opposed the Hadeeth. The Mujtahid has drawn a ruling for the other Hadeeth and he presents a valid interpretation for this one. An example of this is the mas-alah of *Qiraatul Faatihah khalfal Imam* [Reciting Surah Faatihah behind the Imam]. The Ahadeeth in this regard differ.

Or a single Hadeeth holds scope for several varying possibilities. The Mujtahid understands a certain possibility on the basis of his *quwwat-e-ijtihaadiyyah* to be stronger. He thus makes an inference. This too is not in conflict with the Hadeeth. An example of this is that it appears in the Hadeeth that if a person passes in front of you whilst you are reading Salaah then you should ward him off. The one possibility is that the literal meaning applies. The other possibility taking into account other

principles and rules is that this Hadeeth is by way of a warning and a deterrent for passing in front of a Musalli. If a Mujtahid takes the second possibility then it cannot be averred that he has discarded the Hadeeth. In fact, his practice is precisely in accordance with the Hadeeth.

And similarly, if the procedure of inference is obscure, then too the judgement of conflict will be erroneous. For instance, Imam Abu Haneefah (Rahmatullahi alaih) states that the period of breastfeeding extends to 2½ years. The *daleel*, i.e. the Aayat: “*Its carrying and weaning...*” is well-known. However, the popular explanation of the inference is exceptionally faulty. In *Madaarik*, however, the *tafseer* of “*hamluhu*” [its carrying] is reported from Imam Abu Haneefah as “*bil akuf*” [with hands]. By virtue of this *tafseer*, all objections are dispelled. In this case, the Aayat means: After birth, the maximum period of the baby being carried around in arms and its weaning is 30 months. There is no problem in this *tafseer* and the view of Imam Abu Haneefah is easily substantiated.

In conclusion, judging a mas-alah to be in conflict with the Hadeeth is the prerogative of such a person who is thoroughly versed in the Traditions and he possesses keen insight and strong intellectual perception. One who possesses one attribute and lacks the other is not competent to proclaim a mas-alah to be in violation of the Hadeeth.

It is proven in the Hadeeth [refer to 10.3] that merely being a *Hafiz* of the Hadeeth does not qualify one to be a Mujtahid. Any unbiased reader can understand from this that when a *Hafiz* of Hadeeth can be oblivious to the forms and procedure of inference then how on earth can the ignoramuses of today fathom all the various ways a Mujtahid employs in his deduction of the Masaail? Indeed it is most audacious to stupidly call the Muqallid

‘discarder of Hadeeth’. May Allah Ta’ala reform their [the objectors’] condition!

In this regard, whenever experts have found any statement in conflict with a *Daleel-e-Shar’i* they omitted the statement at once. Examples of this are the mas-alahs of the prohibition of consuming even a small quantity of an intoxicant and *muzaara’at* [farming on a profit-share basis]. There is clarity in the *Kutub* of the Hanafiyyah that in these two issues the view of Imam Abu Haneefah is discarded. However, the number of such [discarded] views probably does not even reach ten. In this regard this lowly servant [Hazrat Moulana Thanwi Alaihir Rahmah] investigated and besides five or six Masaail in which I had some reservations, not a single mas-alah [of Imam Abu Haneefah] was found to be against the Hadeeth. I even recorded the various ways the Masaail correspond to the Ahadeeth in a treatise. By coincidence, however, the treatise was lost.

Nevertheless, it is Haraam to revile a Mujtahid because his error is not intentional. His error is *ijtihaadi* [i.e. an error in judgement]. In the light of the Hadeeth he is rewarded for this too.

We have said this according to our knowledge, otherwise it is possible that Imam Abu Haneefah had access to a Hadeeth which we are unaware of.

9.4 Ibn Taimiyyah states that the forms of inferences from a Hadeeth or Aayat are so many that no Mujtahid can be assailed for his inference. This he stated in his kitaab *Raf’ul Malaam anil Aimmatil A’laam*. This kitaab is worthy of perusal.⁴

9.5 Even if we had to assume that some Ahadeeth did not come to the notice of Imam Abu Haneefah, we nevertheless find that

⁴ Al-Ifaadhaatul Yowmiyyah

Imam Muhammad, Abu Yusuf, Zufar Bin Huthail, Ibnul Mubaarak, Hasan Bin Ziyaad and other eminent students of Imam Abu Haneefah living to the era of Hadeeth Compilation.

Following them came Imam Tahaawi, Karkhi, Haakim the author of *Kaafi*, Abdul Baaqi Bin Qaani', Mustaghri, Ibnush Sharaq, Zaila'i and other *Huffaaz* and *Nuqqaad* [Examiners] of Hadeeth among the Ahnaaf who flourished during the age of the perfection of the standards in examining the Ahadeeth of Nabi (Sallallahu alaihi wa sallam). They were fully cognizant of the *Saheeh*, *Dha'eef*, *Mash-hoor* and *Aahaad* Ahadeeth.

Thus, they omitted any *qiyaas* [analogical deduction] of Imam Abu Haneefah they perceived to be in conflict with the Ahadeeth.

Fuqaha of the calibre of Imam Muhammad, Imam Abu Yusuf, Zufar and Hasan differed [with Imam Abu Haneefah] in a significant portion of his Math-hab. The Hanafi Math-hab again is the collective statements of Imam Abu Haneefah and these students and associates of his. (Rahimahumullahu Ta'ala).⁵

10. The Averment: "The Qur'aan and Hadeeth are before us. We can, therefore, refer directly to them."

10.1 One who does not possess *quwwat-e-ijtihaadiyyah* [refer to no. 11] holds no right to resort to *ijtihaad*.

10.2 It is reported from Hazrat Adi Bin Haatim (Radhiyallahu anhu) that when the Aayat: "*And eat and drink until the white thread becomes noticeable from the black thread,*" was revealed, he took a white thread and a black thread and kept it. During the night he looked at it. However, the two threads were not

⁵ Muqaddimatu I'laais Sunan, Fawaaidu Shatta, p.455

distinguishable from each other. In the morning he informed Rasoolullah (Sallallahu alaihi wa sallam). Rasoolullah (Sallallahu alaihi wa sallam) responded: “*Your pillow is exceptionally huge for the white and black threads (which actually imply the dawn light and darkness of the night) to be under your pillow.*”

Notwithstanding the fact the this Sahaabi was a native who spoke the Arabic language, he erred in understanding the purport of the Qur’aanic Aayat in view of him not possessing *quwwat-e-ijtihaadiyyah*. Rasoolullah (Sallallahu alaihi wa sallam) brought his error to his notice in a humorous way. In some other Ahadeeth Nabi (Sallallahu alaihi wa sallam) did not voice his disapproval of ijtihaad from certain Sahaabah. This indicates that the Sahaabi here did not possess *quwwat-e-ijtihaadiyyah* and hence Nabi (Sallallahu alaihi wa sallam) did not credit him for his opinion and perception.

10.3 It is reported from Hazrat Ibn Mas’ood (Radhiyallahu anhu) that Rasoolullah (Sallallahu alaihi wa sallam) said: “*May Allah Ta’ala keep that person happy and prosperous who listens to my Hadeeth, retains it, remembers it and delivers it to others. Indeed, many of those who pass on knowledge are not themselves versed in knowledge, and often a person passes on knowledge to someone who understands it more than the one who delivered to him.*”—Shaafi’i, Baihaqi in *Madkhal*, Ahmad, Tirmithi, Abu Dawood, Ibn Maajah and Daarimi who reports from Hazrat Zaid Bin Thaabit.

There is clarity in this Hadeeth that some *Huffaaz* of Hadeeth do not understand the meanings of the Hadeeth or possess little understanding of it.

10.4 The simple and straightforward test in this matter is to take a hundred by-laws at random from a Fiqhi kitaab in which the *dalaail* [proofs] are not mentioned, and trace their sources in the

Qur'aan and Hadeeth. Furthermore, the principles governing the by-laws should be proven from the text or indications of the Qur'aan and Hadeeth or with sound rational arguments. Once this assignment is complete it should be compared to the answers and proofs of the Fuqaha. Then one will understand the limit of one's intelligence and the worth of the Fuqaha's intelligence. *Insha Allah*, this will become evident and in future one will not venture to make preposterous claims.

10.5 Hazrat Abdullah Bin Mubaarak (Rahmatullahi alaih) furthermore said: "*Had it not been for the fact that Allah Ta'ala rescued me through the medium of Abu Haneefah and Sufyaan, I would have been just like the others.*"

In other words, Allah Ta'ala saved him through Imam Abu Haneefah and Imam Sufyaan Thowri from the perplexity and confusion which a *raawi* [narrator of Hadeeth] is embroiled in when seeing the conflicting Ahadeeth and opposing narrations. The two Imams (Radhiyallahu anhuma) would show him how the two [seemingly conflicting Hadeeths] are reconciled or which narration enjoys first preference. They would explain the meanings of the two to him.

Indeed, this [perplexity and confusion] was the case with not one, but many *ruwaat* [plural of *raawi*]. They were rescued by none other than the *Fuqaha-e-Muhadditheen*; those who were experts in *riwaayat* and *diraayat* [Traditions and reasoning powers].

Qaadhi Iyaadh related the following in *Tadreebul Madaarik* under the biography of Abdullah Bin Wahb Quraishi Misri, the pupil of Imam Maalik (Rahmatullahi alaih) —V.3 pp. 231/6:

"Yusuf Bin Adi said: '*I found some people to be Faqeehs, not Muhadditheen and some to be Muhaddiths, not Faqeehs. Only Abdullah Bin Wahb did I find to be a Faqeeh, Muhaddith and a Zaahid [Buzrug/saint/recluse].*'

Ibn Wahb said: 'Had it not been that Allah Ta'ala saved me through Maalik and Laith, I would have gone astray.' He was asked: 'How is that?' He replied: 'I immersed myself in Hadeeth and in consequence I became perplexed. I would then present my doubts to Maalik and Laith who would tell me which Hadeeth to take and which to discard [on account of its unreliability, abrogation or other factor warranting its non-application].' End of Qaadhi Iyaadh's quote.

Hafiz Ibn Abdul Barr documented this in *Intiqa* with a similar text. Our Shaikh, Muhaqqiq Kowthari (Rahimahullahu) annotated it with the following words:

*"Ibn Asaakir's text with his chain to Ibn Wahb is: 'Had it not been for Maalik Bin Anas and Laith Bin Sa'd, I would have perished. I was under the impression that everything reported from Nabi (Sallallahu alaihi wa sallam) had to be carried out.' In one narration it appears: '... I would have gone astray,' i.e. in view of the conflict between the Ahadeeth, which happens to many ruwaat who are strangers to Fiqh; who cannot distinguish between a Hadeeth that enjoys practical status from one that is not for practice."*⁶

There are two types of Hadeeth narrations. While both types are authentic, it is not necessary that *amal* (practical expression) is given to all narrations merely on the basis of their authenticity. Some persons lack the ability to distinguish between these two types of narrations. Which are the one's for *amal*, and which are the narrations which are not for *amal* (practical expression, i.e. to act in accordance), is not within the comprehension of everyone.

For instance, it appears in the Hadeeth that one who consumes liquor for the fourth occasion should be killed (Mishkaat). This

⁶ Qawaa'id Fee Uloomil Hadeeth, pp.310/11

view is not held by any Imam. The Hadeeth is mansookh (abrogated) as it is reliably reported that a person was brought to Nabi (Sallallahu alaihi wa sallam) after having consumed liquor for the fourth occasion, however, he was not put to death (Mirqaat).

10.6 Qaadhi Bishr Bin Waleed said: *“We would be by Sufyaan Bin Uyainah when a problematic mas-alah would come to us. He [Imam Sufyaan] would ask: ‘Is there anyone here from the As-haab [students, associates] of Imam Abu Haneefah?’ My name would be taken. He [Imam Sufyaan] would say [to me]: ‘Answer.’ I would then answer. He would then remark: ‘Safety in Deen is to refer to the Fuqaha.’⁷*

11. What is Quwwat-e-Ijtihadiyyah?

11.1 Now listen to the Ahadeeth from which the meaning of *quwwat-e-ijtihadiyyah* will become manifest.

Hadeeth One: It is reported from Hazrat Abdullah Bin Mas’ood (Radhiyallahu anhu) that Rasoolullah (Sallallahu alaihi wa sallam) stated: *“The Qur’aan was revealed in seven dialects. Every Aayat has an apparent meaning and an inner meaning. And for every horizon there is a view.”*—Mishkaat Shareef from Sharhus Sunnah

In other words: The external purport of the Aayaat can be understood through Arabic linguistics and the hidden purport through such intellectual and reasoning powers which are adorned with *Taqwa*.

⁷ Ibid, p. 330

Hadeeth Two: Urwah Bin Zubair reports: “I enquired from Aishah (Radhiyallahu anha) about this Aayat: *‘Verily Safa and Marwah are among the salient signs of [the Deen of] Allah Ta’ala. Thus, whoever performs Haj or Umrah, there is no sin on him if he makes sa’ee between the two.’*”

I said: ‘This Aayat implies that there is no sin on a person who does not make sa’ee of Safa and Marwah.’ (The Aayat states that there is no sin in making sa’ee. The apparent implication is that sa’ee is permitted. Thus, even if one does not make sa’ee it should be permissible.)

Hazrat Aishah (Radhiyallahu anha) replied: ‘O Nephew! You have made a big mistake. If this Aayat meant what you have understood, then it would have read: *‘There is no sin in **not** making sa’ee between the two.’*—Maalik, Bukhari, Muslim, Abu Dawood, Tirmithi and Nasaai

Hadeeth Three: Speaking on the virtues of the Sahaabah, Hazrat Ibn Mas’ood (Radhiyallahu anhu) said: *“They are the most virtuous of the entire Ummah; their hearts are pure, they possessed the profoundest knowledge and they were very open and informal.”*—Razeen.

Hadeeth Four: Hazrat Ibn Juhaifah reports: *“I asked Ali (Radhiyallahu anhu): ‘Do you have some knowledge which is not found in the Qur’aan?’ He responded: ‘I take an Oath in that Being Who split the seed and created life! We do not have any knowledge, except for a distinct perception in [understanding] the Qur’aan, which Allah Ta’ala grants to whomever He wishes.’”*—Bukhari, Tirmithi and Nasaai

Hadeeth Five: Hazrat Zaid Bin Thaabit (Radhiyallahu anhu) reports: *“During the occasion of the battle with the people of Yamaamah, Abu Bakr (Radhiyallahu anhu) sent someone to call*

me. When I came to him, I saw Umar (Radhiyallahu anhu) sitting by him. Abu Bakr (Radhiyallahu anhu) spoke to me and said: 'Umar came to me and advised me that many Qurra of the Qur'aan fell. He said: 'I fear that if this continues then a major portion of the Qur'aan will be lost to us. Therefore, my advice is that you instruct that the Qur'aan be compiled [in book form].' I responded: 'How can I do something which Rasoolullah (Sallallahu alaihi wa sallam) never did?' Umar replied: 'Wallah! There is only good in this.' He repeated this over and over again until I was contented and I understood what he had understood.'—Bukhari and Tirmithi

From the aforementioned Five Ahadeeth collectively, the following points are clear:

- Some meanings of the *Nusoos* [Qur'aan and Hadeeth texts] are apparent and some of the meanings are hidden and subtle. The latter are mysteries, reasons and wisdom.
- The level of understanding the *Nusoos* vary among individuals. Some only understand the apparent meanings, whilst others fathom the hidden meanings.
- In this disparity in comprehension, virtue and merit are not due to mere difference in comprehension as this is the case with any two individuals. Rather, this virtue and merit are exclusive to a special level of depth and penetration, and this is the level of knowledge worthy of consideration.
- This special level of understanding is not the product of human effort. It is Allah-given.

Thus, the summary of its [*quwwat-e-ijtihaadiyyah's*] nature as concluded from the above Ahadeeth is that it is an exclusive Allah-given proficiency and ability of comprehension and deduction by virtue of which those who possess this ability discover the hidden purport and subtle meanings of the *Nusoos*, and the mysteries and reasons for the *Ahkaam* pertaining to

practice and belief in a convincing manner. Others cannot reach where they have penetrated.

Sometimes, however, their hearts are contented with another view. In such a case they retract their first view.

This power is called *fehm*, *fiqh*, *raai*, *ijtihaad* and *istimbaat*. Other terms also are used to refer to it in the Aayaat and Ahadeeth.

12. The Question of the Aimma-e-Mujtahideen Prohibiting their Taqleed

12.1 Question: The Aimma-e-Mujtahideen have themselves said that it is not lawful to adopt their views until the proof is known. Thus, those whom you make Taqleed of, prohibit this selfsame Taqleed.

Response: The audience of the above statement of the Mujtahideen is not those people who do not possess *quwwat-e-ijtihaadiyyah*, otherwise, this statement of theirs will firstly clash with those Ahadeeth which permit Taqleed which we have mentioned earlier, and secondly, it will clash with their practice and other statements.

The clash with their practice is that it is not documented anywhere that the Mujtahideen would furnish proof when answering each and every person's question. Similarly, there was no strict adherence to record *dalaail* [proofs] with their *Fataawa* which they compiled, as is evident in the Kitaabs such as: *Jaami' Sagheer*, etc. It is an obvious fact that an answer is given for the sake of practical adoption, whether the answer is verbal or

recorded in a book. Thus, this practice of the Mujtahideen is Taqleed per se.

A ruling of Imam Abu Yusuf (Rahmatullahi alaih) on a certain mas-alah effectively neutralizes the contention [of the renouncers of Taqleed] that the Aimma-e-Mujtahideen themselves forbade the concept of Taqleed. The mas-alah as is reported in *Hidaayah Awwalain*, etc. from Imam Abu Yusuf (Rahmatullahi alaih) is that if a person has blood removed from his body in the state of fasting and thereafter he intentionally eats or drinks thinking that his fast had broken on the basis of the Hadeeth: “*The fast of both, the cupper and the one who was cupped is broken,*” then such a person will have to necessarily keep *kaffaarah*. Presenting the argument for this mas-alah Imam Abu Yusuf says: “*It is obligatory on a layman [i.e. a non-Aalim] to explicitly follow the Fuqaha as he has no understanding of the Ahadeeth.*”

This statement clearly shows that the former statement of the Mujtahideen is addressed to those who possess *quwwat-e-ijtihaadiyyah*, not to those who lack this ability. Accordingly, reflecting on that statement reveals this restriction. This is due to the fact that the words: “*until the proof is known,*” evinces that they were speaking to people who had the potential to comprehend the *dalaail*. One who lacks *quwwat-e-ijtihaadiyyah* may be able to listen to the proof; he cannot however comprehend the proof.

Imposing the comprehending of the proofs on a person who lacks the ability to comprehend the proofs is *takleef-e-maa laa yutaaq* [imposing the unbearable] which is Shar’i-wise *baatil* [null and void]. Thus, it is evident that this address [i.e. the statement of the Mujtahideen in the question] is directed to a *Saahib-e-Ijtihaad*, not to a non-Mujtahid.

12.2 Ibn Taimiyyah states: “*The Aimmah barring Taqleed is only in relation to one who has the ability to draw Ahkaam from the dalaail.*”—Fataawa Ibn Taimiyyah.⁸

13. The Error of Judging the Ahadeeth of the Fuqaha on the Criteria of the Muhadditheen

13.1 In so far as those Ahadeeth are concerned which are *dha'eef* according to the Muhadditheen, firstly all those rules and principles are presumptive on which the Muhadditheen have based the strength and weakness of the Ahadeeth and in which the major factor is the credentials of the *raawi* [narrator]. Accordingly, in certain principles, the Muhadditheen themselves are divided.

Similarly, a *raawi* being *thiqah* [reliable] or *ghair-thiqah* [unreliable] is also presumptive [i.e. speculative, not categorical]. Hence, the Muhadditheen differ in regard to many narrators. Furthermore, preference for declaring a narrator unreliable over his reliability is conditional to many restrictions and it is not accepted that all the conditions are found everywhere. The books on this subject reveal the veracity of this point.

When these rules and principles are presumptive then how can they be binding on all? When the Fuqaha have formulated other principles to judge the strength and weakness of the Ahadeeth on the basis of dalaail, as appears in the *Usool-e-Fiqh* Kitaabs, there is no reason then for objection. Thus, it is quite possible that a certain Hadeeth is unreliable in the light of the Muhadditheen's standards, but according to the standards of the Fuqaha the same Hadeeth is worthy of being a basis for formulating *Ahkaam*.

⁸ Al-Kalaamul Mufeed fee Ithbaatit Taqleed, p. 233

Secondly, *dhu'f* or weakness is not an inherent quality of a Hadeeth. *Dhu'f* is due to the *raawi*. Thus, it is quite possible that a Mujtahid received a Hadeeth with a *Saheeh sanad* [authentic chain] and later on the sanad was tarnished by the addition of a weak narrator. Therefore, the later *dhu'f* does not harm the earlier contention and proof of the Mujtahid.

Once the Mujtahid has employed a Hadeeth in his argument—bearing in mind that employing a Hadeeth for this purpose is dependent on the authenticity of the Hadeeth—then the Mujtahid has actually authenticated the Hadeeth. This is the purport of the Ulama's statement: "*When a Mujtahid advances a Hadeeth in his argument its authenticity is implied.*" [In fact, its authenticity is a necessary corollary stemming from the Mujtahid's acceptance of the Hadeeth as the basis for formulation of a *Hukm* or Law.] Thus, regardless of its *sanad* being doubtful [in the light of the Muhadditheen's criteria], the Hadeeth will be judged to be *Saheeh*, just as the case is with the *Ta'leeqaat* of Imam Bukhari (Rahmatullahi alaih) [where Imam Bukhari cites Ahadeeth without their *sanads*. Regardless of the absence of their *sanads* these Ahadeeth are accepted as valid sources of contention in view of Imam Bukhari (Rahmatullahi alaih) taking upon himself the responsibility of citing only sound Ahadeeth in his *Al-Jaami'us Saheeh*]. Therefore, [i.e. on the basis of the abovementioned principle] there is no disadvantage to the Mujtahid's argument on account of such a Hadeeth [which does not weigh up to the conditions laid down by the Muhadditheen].

13.2 It is only befitting to mention here that the *Thulaathiyyaat* [Ahadeeth in which there are only 3 links to Rasoolullah Sallallahu alaihi wa sallam] by Imam Bukhari and other Muhadditheen are very few [whereas these Ahadeeth are much prized by the Muhadditheen]. You can judge from this that, in the entire Bukhari Shareef there are not more than 20-22

Thulaathiyyaat. Imam Abu Haneefah, on the other hand, by virtue of him having being earlier on the scene, and a Taabi'i, his narrations are predominantly *Thulaathiyyaat*. In fact, there are even *Thunaa'iyyaat* [Ahadeeth with only 2 links to Rasoolullah (Sallallahu alaihi wa sallam) to his credit]. Hence, Imam Shar'aani Shaafi'i has written: "I have studied authentic copies of Imam Abu Haneefah's 3 Masaaneed [Hadeeth works with chains that are linked to Rasoolullah Sallallahu alaihi wa sallam] endorsed by the Huffaaz of Hadeeth. I found every Hadeeth to be the report of excellent and righteous Taabi'een, the likes of Aswad, Alqamah, Ataa, Ikrimah, Mujaahid, Makhool, Hasan Basri and others."

Thus, between Imam Abu Haneefah and the Office of *Risaalat* (Sallallahu alaihi wa sallam), all the narrators were honest and righteous Aalims, and they were eminent *Buzrugs* [Saints]. None of them was a liar or one accused of mendacity. It is for this reason that the Aamma-e-Hadeeth and the Ulama have concluded that the Ahadeeth with which the Aamma-e-Mujtahideen have formulated Fiqh, are much more reliable and accredited than the later Ahadeeth, because those illustrious Fuqaha were the *Asaatizah* [Teachers and Mentors, and in fact the *Asaatizah* of the *Asaatizah*] of the later Muhadditheen. Furthermore, they enjoyed a closer proximity to the Era of *Risaalat* and the Sahaabah. Falsehood had not become widespread in the *Khairul Quroon* [Noblest of Ages]. Therefore, whatever *dhu'f* [weakness in the Ahadeeth] developed on account of the *ruwaat*, it was the harvest of the succeeding generations.⁹

⁹ Malfoozaat-e-Muhaddith-e-Kashmiri, pp. 147/ 8

CHAPTER TWO: A Brief Selection of the Praises Showered by the Aimmah of the Ummah upon Imam Abu Haneefah (Alaihir Rahmah)

1. When the Aayat in Surah Jumu'ah: "... and others among them who have not as yet met up with them," was revealed, Rasoolullah (Sallallahu alaihi wa sallam) said placing his hand on Hazrat Salmaan Farsi (Radhiyallahu anhu): "*If Imaan [i.e. Deen] was on Pleiades, then men—or he said—a person from them (i.e. the Persians) would have reached it.*"—Bukhari in Kitaabut Tafseer

Hafiz Suyooti said: "*This Hadeeth is an authentic and reliable basis for the inference that reference was to Imam Abu Haneefah.*"

The student of Hafiz Suyooti said: "*Our Ustaad was convinced that this Hadeeth referred to Imam Abu Haneefah without doubt, because no one from Persia attained the rank in Ilm equal to him.*"

2. Sam'aani said in Ansaab: "He [Imam Abu Haneefah] engrossed himself in the pursuit of Ilm and went to extreme lengths in acquiring it until he achieved what no one besides him achieved. One day he came to [Khaleefah] Mansoor when Isaa Bin Abaan was there. He [Isaa Bin Abaan] said to Mansoor: "*This is the Aalim of the world today.*"¹⁰

¹⁰ The quotations from no. 2 till no. 10 are all from Qawaa'id fe Uloomil Hadeeth, pp. 308-331

3. Yazeed Bin Haroon¹¹ said: “*I met a thousand men [Aalims, Muhaddiths] and I wrote [Ahadeeth] from most of them. I found five of them to be greater than the rest in Fiqh, Taqwa and Ilm. The foremost among them was Abu Haneefah.*”

4. It is reported from Abdullah Bin Mubaarak: “*I came to Kufa¹² and I asked the Ulama there, who the greatest Aalim in their land was? All without exception took the name of Imam Abu Haneefah.*”

5. Hafiz Ibn Khusru reported with his chain from Muhammad Bin Salamah that Khalaf Bin Ayyoob said: “*Ilm came down from Allah Ta'ala to Muhammad (Sallallahu alaihi wa sallam). Then it passed onto his Sahaabah, then to the Taabi'een. Then it went to Abu Haneefah and his As-haab.*”

It is not a hidden fact that *Ilm* in that age was nothing other than *Ilmul Hadeeth wal Qur'aan*. The greatest Aalim in that time therefore, was he who had the most knowledge of the Qur'aan and Hadeeth.

6. Ibnul Qayyim said in *I'laamul Muwaqqi'een* that Yahya Bin Aadam¹³ said: “*Nu'maan [Imam Abu Haneefah] gathered all the Hadeeth of his city. His gaze was thus on the final traditions which Nabi (Sallallahu alaihi wa sallam) left behind.*”

¹¹ He was, in the words of Hafiz Ibn Hajar in *Tahtheebut Tahtheeb*: “One of the eminent and well-known *Huffaaz*. Ahmad Bin Hambal, Ali Bin Madeeni and a host of others have reported Ahadeeth from him.”

¹² Indeed Kufa was the home of 1500 Sahaabah among whom 70 were *Badris*; leave alone the other cities of Iraq. Refer to *Fiqhu Ahlil Iraq wa Hadeethuhum* by Imam Kowthari, p. 42.

¹³ He is among the Shuyookh of the Shuyookh of Imam Bukhari. His Ahadeeth are documented in *Saheeh Bukhari*. He was a contemporary of Imam Abu Haneefah in Kufa.

7. The Historian, Ibn Khaldoon said: *“What indicates that he [Imam Abu Haneefah] was among the senior Mujtahideen in the Science of Hadeeth is that his Math-hab gained acceptance among them [the Mujtahideen] and they turned to it and gave it recognition after discussion and investigation.”*

8. Ibn Hajar said in his *Qalaa'id* that Sufyaan Thowri said: *“In front of Abu Haneefah we were like sparrows in front of a hawk. Verily Abu Haneefah was the leader of the Ulama.”*

9. Imam Shaafi'i said that Imam Maalik was asked: *“Did you see Abu Haneefah?”* He replied: *“Yes, I saw a man, if he wished to prove to you that this pillar is made of gold, he would prove it.”*

10. Khateeb Baghdadi with his chain reported from Ibn Karaamah that he said: *“We were by Wakee' Bin Jarraah one day when a person said: ‘Abu Haneefah has erred.’ Wakee' spoke: ‘How can Abu Haneefah err when he has by him the likes of Abu Yusuf, Zufar and Muhammad with their qiyaas and ijtihaad, the likes of Yahya Bin Zakariyyah Abi Zaaidah, Hafs Bin Ghiyaath and Hibbaan and Mandal the sons of Ali with their hifz and understanding of the Hadeeth, Qaasim Bin Ma'n and his perception of language and linguistics and Dawood Bin Naseer Taai and Fudhail Bin Iyaadh with their Zuhd and Taqwa? A person who has these students or associates can hardly err. If he does, they will return him to the Haq.”*

11. Imam Shar'aani mentioned in *Al-Meezaan* that Imam Shaafi'i (Rahimahullah) left out *Qunoot* when he visited his [Imam Abu Haneefah's] grave and it was time for Fajr Salaah. He [Imam Shaafi'i] said: *“How can I recite the Qunoot in the presence of the Imam when he does not advocate it?”*

Imam Shar'aani adds that the reason for Imam Shaafi'i doing that [i.e. omitting the *Qunoot*] was to show *adab* [respect] to the *Aimma-e-Mujtahideen*, placing them and all their statements on a noble and acceptable pedestal, for they never said anything but after coming to know of a *daleel* from the Traditions of Rasoolullah (Sallallahu alaihi wa sallam).¹⁴

12. The following are praises Ibn Taimiyyah [the undisputed Imam of the Salafis] lauded on Imam Abu Haneefah: ***“These are the Ulama who study and research Ilm day and night. They have no personal interest with anyone. In fact, they assert preference to this Sahaabi’s statement sometimes and that Sahaabi’s statement sometimes according to the proofs of the Shariah they behold; like Sa’eed Bin Musayyab and the Fuqaha of Madinah... and their counterparts the likes of Alqamah, Aswad, Qaadhi Shuraih, and their like. Then Ibraheem Nakha’i, Aamir Sha’bi, Hakam Bin Utaibah, Mansoor Bin Utaibah, up to Sufyaan Thowri, Abu Haneefah, Ibn Abi Lailah, Shareek and then Wakee’ Bin Jarraah, Abu Yusuf, Muhammad Bin Hasan and their peers.”***¹⁵

13. He [Ibn Taimiyyah] said in another place: ***“The Imams of the Ulama of Hadeeth, Tafseer, Tasawwuf and Fiqh such as the four Imams [Abu Haneefah, Shaafi’i, Maalik and Ibn Hambal] and their followers [i.e. their students]...”***

14. Imam Bukhari (Rahmatullahi alaih) states: ***“I never found myself more inferior and barren by anyone other than Ibn Madeeni.”*** This same Ibn Madeeni together with Imam Ahmad and Yahya Bin Ma’een are the students of Yahya Bin Sa’eed Al-Qattaan. And he [Yahya Bin Sa’eed Al-Qattaan] would teach them with such pomp between Asr and Maghrib time that he would recline against a pillar of the Masjid and these three would

¹⁴ Abu Haneefah wa As-haabuhu Al-Muhaddithoon, p. 67

¹⁵ No. 12 and 13 have been taken from the *Muqaddimah of Tabyeedhus Saheefah* with reference to *Minhaajus Sunnatin Nabawiyyah* of Ibn Taimiyyah.

be standing in front of him with arms folded listening to his dars [lecture, lesson] of Hadeeth and unravelling their queries and doubts regarding Ahadeeth and Masaail.

Then take note that Yahya Al-Qattaan has been listed by Allaamah Kurduri among the students of Imam Abu Haneefah and among his *Ahl-e-Shura* [consultation members] of his Math-hab.

He would attend the lessons of Imam Abu Haneefah and reap the benefits. He would give *fatwa* on Imam Saheb's Math-hab. He was the first author of *Taareekh-e-Rijaal* [Biography of the narrators of Hadeeth].

He [Yahya Bin Sa'eed Al-Qattaan] says in regard to Imam Abu Haneefah: "*Allah is witness that I do not speak a lie when I say that I did not find anyone more correct in judgement than Imam Abu Haneefah. And, I subscribe to most of his views.*"¹⁶

15. Hafiz-e-Hadeeth Makki Bin Ibraheem was the Imam of the Muhadditheen of Balkh and he is the Ustaad of Imam Bukhari. Imam Bukhari has included many of his narrations in Bukhari Shareef. From among the loftiest *sanad*—the 22 *Thulaathi* Ahadeeth—of Bukhari Shareef 20 alone are from Hanafi narrators and 11 are from Makki Bin Ibraheem alone. This great distinction [of the number of *Thulaathiyyaat* in Bukhari Shareef] is by virtue of the predominant Hanafi narrators.

He [Makki Bin Ibraheem] is also a student of Imam Abu Haneefah who stayed with him and learnt from him day and night. He says: "*Imam Abu Haneefah was the greatest Aalim of his time.*" And, *Aalim* in the parlance of the Muhadditheen is he

¹⁶ No's 14, 15 and 16 are from *Malfoozaat-e-Muhaddith-e-Kashmiri*, pp. 145-7.

who is accomplished in the text and chains (*mutoon wa isnaad*) of the Ahadeeth.

16. It is only befitting to mention here that the *Thulaathiyyaat* [Ahadeeth in which there are only 3 links to Rasoolullah Sallallahu alaihi wa sallam] by Imam Bukhari and the other Muhadditheen are very few. You can judge from this that, in the entire *Bukhari Shareef* there are not more than 20-22 *Thulaathiyyaat*. Imam Abu Haneefah on the other hand, by virtue of him having being earlier on the scene, and a *Taabi'i*, his narrations are predominantly *Thulaathi*. In fact, there are even *Thunaaiyyaat* [Ahadeeth with only 2 links to Rasoolullah (Sallallahu alaihi wa sallam) to his credit]. Hence, Imam Shar'aani Shaafi'i has written: "*I have studied authentic copies of Imam Abu Haneefah's 3 Masaaneed [Hadeeth works with chains that are linked to Rasoolullah Sallallahu alaihi wa sallam] endorsed by the Huffaaz of Hadeeth. I found every Hadeeth to be the report of excellent, reliable and righteous Taabi'een, the likes of Aswad, Alqamah, Ataa, Ikrimah, Mujaahid, Makhool, Hasan Basri and others.*"

Thus, between Imam Abu Haneefah and the *Office of Risaalat* (Sallallahu alaihi wa sallam) all the narrators were honest and righteous Aalims and they were eminent *Buzrugs* [Saints]. None of them was a liar or one accused of mendacity.

17. When such lofty virtues are proven for Imam Abu Haneefah with such strong evidences, then how can there be any doubt in his knowledge and guidance? And, this is the touchstone of leadership in Deen and reason for his Taqleed. And, this is the objective of this discussion. *Wal Hamdu Lillaahi Rabbil Aalameen.*

CHAPTER THREE: The Hanafi Dalaail for Certain Contentious Masaail

Here we present the Hadeeth proofs for certain contentious issues to show that the Hanafiyyah do follow the Hadeeth. Testifying to this fact Imam Ibn Taimiyyah states:

*“The **Hanafiyyah** are from the Ahlus Sunnah wal Jama’ah, and the Ahlus Sunnah are the Ahlul Hadeeth.”*
—Minhaajus Sunnah¹⁷

We have sufficed here with the bare minimum.

1. Zuhr Salaah After the Shadow of Objects Exceeds their Original Length

1.1 Abu Tharr (Radhiyallahu anhu) reports the following: *“We were with Rasoolullah (Sallallahu alaihi wa sallam) on journey. The Mu-azzin wanted to give the Athaan. Rasoolullah (Sallallahu alaihi wa sallam) said: ‘Let the temperature cool down.’ After some time, the Mu-azzin wished to give again. Rasoolullah (Sallallahu alaihi wa sallam) said: ‘Let it cool down more.’ The time passed until the shadows equalled the dunes. Then Rasoolullah (Sallallahu alaihi wa sallam) said: ‘The heat of summer is due to the flames of Jahannam.”*—Bukhari

The contention from the above Hadeeth is obvious. Observation reveals that when the shadow of a dune is equal to it then the length of the shadow of other [i.e. smaller] objects appear much longer than once their size. Now, when Athaan is given at this time, then it is obvious that the shadow of objects will exceed

¹⁷ Imdaadul Fataawa, V.6 p. 48

their original length before the Salaat is completed. From this it is established that the time of Zuhr remains even after one *mithl* [i.e. the original length of objects].

1.2 It is reported that Ziyaad Bin Abdur Rahmaan Nakha'i said: *"We were sitting with Ali (Radhiyallahu anhu) in the Grand Mosque. Kufa at that time was still underdeveloped with homes predominantly being huts. The mu-azzin came and said: 'Salaah, O Ameerul Mu-mineen (for Asr)!'* Ali (Radhiyallahu anhu) responded: *'Sit!'* He [the mu-azzin] sat for a while and then repeated his statement. Ali (Radhiyallahu anhu) replied: *'This dog wishes to teach us the Sunnah!!!'*

Ali (Radhiyallahu anhu) thereafter stood up and led us in Asr Salaah after which we returned to the place where we were sitting. We sat down—as in *Tashahhud*—and watched as the sun set.”—Documented by Haakim in *Mustadrak*

I [Moulana Zafar Ahmad Uthmaani Saheb, the author of *I'laa-us Sunan*] say: “This [narration] clearly indicates that delaying Asr is Sunnat. When the mu-azzin was hasty Ali (Radhiyallahu anhu) ordered him to sit. After sitting down for some time he repeated his statement. Ali (Radhiyallahu anhu) then reprimanded him saying: *"This dog wishes to teach us the Sunnah."* He thus implied: *"We know the Sunnah better than him."*

After performing the Asr Salaat the group of people returned to where they were sitting and the sun became pale and ready to go down. In other words, the Salaat was quite late in the afternoon and hence shortly after the Salaat the sun became pale.

Had Asr Salaat not been Sunnat late in the afternoon Ali (Radhiyallahu anhu) would not have delayed it that much. Had it

been Sunnat to perform it early, he would not have rebuffed the mu-azzin in such a manner.”¹⁸

2. The Feet in Qiyaam

2.1 It appears in *Sunanun Nasaai* (1/132) in *Baabus Saffi bainal Qadamain fis Salaah*: “*Abdullah saw a person reading Salaah whilst he had made saff of his feet. He remarked: ‘He has erred in the Sunnat. If he had made muraawahah it would appeal to me more.’*”

Saff here means to put the feet together. *Muraawahah* actually means to rest on one foot a little and then on the other... However, keeping the feet slightly apart is also *muraawahah*. And, in all probability, it is intended here. In any case, from this [Hadeeth] it is proven that the feet should not be kept wide apart.¹⁹

2.2 The meaning of joining ‘ankles to ankles’ [in the Hadeeth: “*Thereafter, I saw that a man would attach his shoulder to the shoulder of his companion (the one standing alongside), his knee to the knee of his companion and his ankle to the ankle of his companion.*”—Bukhari and Abu Dawood] is that everyone in the Jama’ah should stand alongside the other (i.e. in a straight line).²⁰

2.3 It should be noted that the emphasis is on closing the gaps [in Jamaat Salaat]. There should be no gap between two musallis standing in the saff. But the wider the legs are spread apart, the more the distance between the shoulders will increase. Thus,

¹⁸ I’laa’us Sunan, V.2 pp. 37/8

¹⁹ Ma’aarifus Sunan, V. 2 pp. 198/9

²⁰ No’s 2.2 and 2.3 are excerpts from ‘The Feet in Salaat—The Salafi Error,’ pp. 5, 7, 8 and 9.

spreading the legs wide apart defeats the very command issued in the Hadeeth to close the gaps and straighten the sufoof.

In order to achieve ‘foot to foot’ literally, the Salafis are constrained to turn their feet at angles away from the Qiblah. In this hideous exercise, they manage only to touch the toes of the next musalli with much difficulty and irritation to those whose peace of mind is disturbed with the unruly encroachment of his companion’s toes. When the toes are made to touch with the feet in diagonal positions, the shoulders cannot touch; the knees, ankles, necks, etc. are thrown completely out of alignment.

When shoulders are not lined up, it is impossible to achieve straight sufoof. It is for this reason that the Hadeeth emphasises more on shoulders. Feet are mentioned only once. The Sahaabah and the Taabi’een relate the instruction ‘to line up’ and straighten the saff to the shoulders, necks, knees, ankles and the feet. In other words, all these should be in line, not out of alignment. It is for this reason that the Hadeeth clearly mentions that the Khulafae-Raashideen, in fact Rasulullah (Sallallahu alaihi wa sallam) himself, would order protruding chests to recede into line. Never did any of the Authorities of the Shariah speak about feet which should touch.

In the adoption of the Salafi mode, the movement is excessive in Salaat. Neither is proper Ruku’ nor proper Sajdah possible if this hideous posture has to be retained throughout Salaat. In fact, Sajdah is not at all possible with the feet spread wide apart. Therefore, the Salafis are constrained to shift positions repeatedly when going into Ruku’. This excessive movement in Salaat is negatory of *khushoo’*.

3. Rafa' Yadain Only at the Beginning

3.1 It is reported from Alqamah that Hazrat Abdullah Bin Mas'ood (Radhiyallahu anhu) said: "*Shall I show you the Salaah of Rasoolullah (Sallallahu alaihi wa sallam)?*" He then performed Salaah and he lifted his hands only at the beginning (i.e. at the time of *Takbeer-e-Tahreemah*).—Tirmithi who designated it *Hasan*. He also said that Baraa reported something similar.

3.2 It is reported from Hazrat Baraa that Rasoolullah (Sallallahu alaihi wa sallam) would raise his hands close to his ears when commencing Salaah and thereafter he would not repeat it.
—Abu Dawood

4. Folding the Hands Below the Navel

4.1 It is reported from Abu Juhaifah that Hazrat Ali (Radhiyallahu anhu) said: "*The Sunnat way in Salaah is to keep the hands below the navel.*"—Abu Dawood

4.2 Abu Waail reports that Hazrat Abu Hurairah (Radhiyallahu anhu) said: "*Holding one hand with the other in Salaah, should be below the navel.*"—Abu Dawood

5. Surah Faatihah Should Not be Recited by the Muqtadi

5.1 It is reported from Abu Moosa Ash'ari and Abu Hurairah (Radhiyallahu anhuma): "*When the Imam recites then you should maintain silence.*"—Muslim, Abu Dawood, Nasaai and Ibn Maajah

In the above Hadeeth, there is no mention of or restriction with the Salaah being *Sirri* or *Jahri*. Nor is there any restriction to *Alhamdu* or a *Surah*. In fact, Salaah in general, is mentioned and Qiraat in general. Thus, all [forms of Salaah—*Sirri* and *Jahri*—and qiraat—*Alhamdu* and the *Surah*] are included [in the prohibition]. Thus, the objective is clearly indicated.

5.2 In so far as the Hadeeth: “*There is no Salaat for one who does not recite Surah Faatihah,*” is concerned, it applies to a person who is performing Salaah alone. It is not addressed to one who reads behind the Imam. This is confirmed by the following *Hadeeth-e-Mowqoof*: Abu Nu’aim reports from Wahb Bin Kaisaan that he heard the Sahaabi, Jaabir Bin Abdullah saying: “*If anyone performs a Rakaat without Alhamdu, then there is no way out [of the harm to his Salaah] other than him being behind the Imam.*”—Tirmithi, who said that the Hadeeth is *Hasan Saheeh*.

5.3 Then the Hadeeth: “*Do not recite anything behind me besides Alhamdu because the Salaah of a person who does not recite it is not valid,*” does not prove the compulsion of Faatihah. The reason for this is that it could possibly mean: In view of *Surah Faatihah* enjoying the status of Salaah being dependent on it for existence or perfection (according to the difference of opinions) we give permission for its recital. Thus, at most the Hadeeth gives permission for its recital. The earlier prohibition and then exclusion suggest this meaning as well. The Hadeeth cited at the beginning, however, prohibits its recitation as in it there is a negative command, namely, “maintaining silence”. Thus, on the basis of the principle: “*When a proof of permissibility and a proof of prohibition clash, the proof of prohibition will take preference,*” it has to be said that the permissibility has been abolished. Now, there remains no doubt in this *mas-alah* in the light of any Hadeeth.

6. Reciting Aameen Softly

6.1 Alqamah Bin Waail reports from his father that Rasoolullah (Sallallahu alaihi wa sallam) read:

غَدِرَ الْمَغْضُوبِ عَلَيْهِمْ وَلَا الضَّالِّينَ

and then said *Aameen* softly.—Tirmithi

It appears in *Aini* that this Hadeeth has been documented by Imam Ahmad, Abu Dawood Tayaalisi and Abu Ya'la Mowsili in their *Masaaneed*, Tabarani in his *Mu'jam*, Daara Qutni in his *Sunan* and Haakim in his *Mustadrak* with these words:

وَأَخْفَى بِهَا صَوْتَهُ

which means: “and he [*Rasoolullah Sallallahu alaihi wa sallam*] lowered his voice with it [*Aameen*].”

In *Kitaabul Qiraat*, Haakim documented the word خَفَضَ [he lowered (his voice)]. Haakim also said regarding this Hadeeth that its chain is authentic, although Bukhari and Muslim have not reported it.

Tirmithi expressed certain doubts regarding this Hadeeth. However, Allaamah Aini has responded to all. The summary of his response appears in the marginal notes to *Nasaai* (1/148).

7. The Way to Sit in Qa'dah Akheerah

7.1 In *Qa'dah Akheerah* one should sit as one sits in *Qa'dah Oela*. Hazrat Aishah (Radhiyallahu anha) reports that Rasoolullah (Sallallahu alaihi wa sallam) would recite *Attahiyyaat* with every

two Rakaats and he would spread his left foot and keep the right foot erect.—Muslim

In the above Hadeeth the practice of Rasoolullah (Sallallahu alaihi wa sallam) in the manner of keeping the feet is mentioned. The unrestricted usage of the words includes both *Qa'dahs*. Furthermore, the phrase “*with every two Rakaats*” confirms this generality.

7.2 Waail Bin Hujr reports: “*I came to Madinah and said: ‘I am going to watch the Salaah of Rasoolullah (Sallallahu alaihi wa sallam).’ When he [Rasoolullah Sallallahu alaihi wa sallam] sat for Tashahhud, he spread out his left foot, kept his left hand on his left thigh and his right foot erect.*”—Tirmithi who said that the Hadeeth is *Hasan Saheeh* and that most Ulama subscribe to this practice.

Although an act [of Nabi Sallallahu alaihi wa sallam] is not general *per se*, however, in the case where there are indications present, generality can be entertained. The indications here are the following:

- The Sahaabi purposefully watching the Salaah of Rasoolullah (Sallallahu alaihi wa sallam) which generally necessitates watching on several occasions
- His special mention of his observation

If the manner of the two *Qa'dahs* [first and last] were different then the Sahaabi would have mentioned it as required because maintaining silence in such a case would give a wrong impression. From the foregoing, we can conclude that both sittings were the same.

7.3 The son of Abdullah Bin Umar (Radhiyallahu anhu) reports from his father that he said: “*The Sunnah of Salaah is to keep the*

foot erect with the toes pointing to the Qiblah and sitting on the left foot.”—Nasaai

In view of this Hadeeth being qowli [i.e. a verbal declaration] there is, therefore, no such doubt as with the previous Hadeeth because in a verbal tradition, there is generality.

8. Sajdah of a Female

A woman should constrict herself and let her stomach cling to her thighs as there is more concealment in this for her. And indeed she is an object of concealment. This [manner of Sajdah] is indicated in the Hadeeth reported by Abu Dawood in his *Maraaseel*: “*Nabi (Sallallahu alaihi wa sallam) passed by two women and said: ‘When you make Sajdah then compress some of your body to the ground. Verily a woman does not imitate a man in this [i.e. Sajdah].’*”²¹

9. Du’aa after Fardh Salaah with Raised Hands

9.1 Allah Subhaanahu wa Ta’ala declares: “*Once you are complete, then exert yourself and concern yourself with your Rabb.*” (94/7-8)

Imam Abu Abdillah Muhammad Bin Ahmad Ansaari Qurtubi said in *Al-Jaami’u li Ahkaamil Qur’aan* under the above Aayat: “*Ibn Abbaas and Qataadah (Radhiyallahu anhuma) said: ‘When you are complete with your Salaah then exert yourself in du’aa and ask Him your need.’*”

²¹ Al-Bahrur Raaiq, V. 1 p. 561

Abd Bin Humaid and Ibn Nasr added in their report from Dhahhaak: “Once you are complete with your **Fardh** Salaah.”

Allaamah Muhammad Bin Ali Showkaani said in *Fat-hul Qadeer*: “Once you are complete, then exert yourself”—Qataadah, Dhahhaak, Muqaatil and Kalbi said: ‘When you have completed your Fardh Salaah then exert yourself with du’aa unto your Rabb and turn to Him for your need and He will give you.’ Mujaahid also said the same.”²²

9.2 Imam Hafiz Haithami reported in *Majma’uz Zawaa’id* from Muhammad Bin Abi Yahya that he said: “Abdullah Bin Zubair saw a person with raised hands making du’aa before completing his Salaah. When he completed his Salaah he [Abdullah Bin Zubair] said: ‘Verily Rasoolullah (Sallallahu alaihi wa sallam) never lifted his hands until only after completing his Salaah.’—Tabarani who titled it *Muhammad Bin Abi Yahya Al-Aslami*, and he declared its narrators to be *thiqaat* [reliable].

I [the Compiler, Moulana Abdul Hafeez Makki Hafizahullah] say: “Hafiz Ibn Hajar said in *Nataaijul Afkaar* (2/310): ‘This is a *Hadeeth-e-Hasan*.’ Hafiz Suyooti said in *Fadh-dhul Wi’aa* after citing this Hadeeth: ‘Its narrators are *thiqaat*.’”

9.3 Allaamah Muhaddith Shaikh Abdul Fattaah Abu Ghuddah said in his detailed annotation of the above Hadeeth [cited in 9.2] in the treatise of Shaikh Allaamah Muhammad Ahdal Yamaani *Sunniyyatu Raf’il Yadain fid Du’aa*: “Among the *Shaahids* [supporting Ahadeeth] of the Hadeeth of Abdullah Bin Zubair cited, is the one mentioned earlier *ta’leeqan* from Utbiyyah; the statement of Imam Maalik: “I saw Aamir Bin Abdullah Bin

²² No’s 9.1—9.3 are quotations from *Istihbaabud Du’aa ba’dal Faraaidh*, pp.80 and 103.

Zubair raising his hands whilst sitting after Salaah making du'aa.” Apparently, this practice of Aamir was adopted from the Hadeeth of his father, Abdullah Bin Zubair reported by Aslami.

9.4 It is reported from Abu Hurairah that Rasoolullah (Sallallahu alaihi wa sallam) raised his hands after making Salaam whilst facing the Qiblah, and he said: “*O Allah! Free Waleed Bin Waleed, Ayyaash Bin Rabee'ah, Salamah Bin Hishaam and the weak Muslims who cannot scheme [a way to free themselves] and nor do they know the routes; save them from kuffaar-captivity.*” —Ibn Abi Haatim and Hafiz Ibn Katheer in his *Tafseer* 1/ 823 Surah Nisaa, Aayat 100.²³

9.5 Imam Hafiz Ibn Katheer said in *Al-Bidaayah wan Nihaayah* (6/ 328): “And indeed Alaa was among the eminent *Aalims* and *Aabids* of the Sahaabah and one whose du'aas would be accepted. It so happened in this campaign that they camped at a certain place. They had not even set up camp when their camels fled with all the provisions they were carrying including their tents and drink. They were left on that ground with nothing besides the clothes they wore. And it was night time. They could not recapture a single camel. The concern and grief that overtook them is indescribable. They started imparting their final will to each other [as death seemed inevitable].

Just then the messenger of Alaa called out. They came to him [Hazrat Alaa]. He said: “O People! Are you not Muslims? Are you not in the Path of Allah Ta'ala? Are you not the Helpers of Allah Ta'ala?” They replied: “Why not? Indeed we are!” He [Hazrat Alaa] then said: “Then rejoice, for Wallah, never will Allah Ta'ala abandon those who bear the qualities you bear.”

²³ Thalaathu Rasaail li Abdil Fattaah Abi Ghuddah, p.130

The Athaan was then given for Fajr Salaah when dawn came. He led the army in Salaah. Once he completed the Salaah he sat in the Qa'dah position and everyone sat in that position. He [Hazrat Alaa] engrossed himself in du'aa with hands raised. Everyone did as he did until the sun rose. They started to look at the rays of the sun shining in succession. But he [Hazrat Alaa] remained engrossed in du'aa. After some time they suddenly saw close to them a huge pond which had appeared miraculously by the command of Allah Ta'ala with fresh sweet water. He [Hazrat Alaa] got up and went to it followed by his men. They drank and bathed. It was not long thereafter that the camels returned, also thirsty in search of water. This then was among the miracles and signs of Allah Ta'ala that people witnessed in this party.”

Collective du'aa of the Imam and Muqtadis with raised hands after Fajr Salaah is clearly proven in this Hadeeth.

Take a look; and may Allah be merciful unto you! Had collective du'aa with raised hands after Fardh Salaah been a deviant *bid'ah* [innovation], the Sahaabah of Rasoolullah (Sallallahu alaihi wa sallam wa Radhiyallahu anhum) would never have practised it. Furthermore, this grand sign and conspicuous miracle would not have materialised and Allah would not have aided them in that situation. Verily the *nusrah* [aid/succour] of Allah Subhaanahu wa Ta'ala does not come over *bid'aat*, *khuraafaat*, and *dhalaalaat* [innovations, nonsensicalities and deviant acts]. It [the *Nusrah* of Allah] is only over righteous, meritorious and established practices of the Shariah, as is known.
*Wallahu A'lam.*²⁴

²⁴ Istihbaabud Du'aa ba'dal Faraaidh, pp. 108-111

10. No Nafil Salaah after Asr Fardh

10.1 Rasoolullah (Sallallahu alaihi wa sallam) prohibited this. In this regard there is the Hadeeth of Ibn Abbaas (Radhiyallahu anhu): *“I have the testimony of many exemplary Sahaabah, of whom the most acceptable to me is Umar, that Rasoolullah (Sallallahu alaihi wa sallam) forbade Salaah after Fajr till Ishraaq time and after Asr till Maghrib.”*—Bukhari and Muslim²⁵

11. The Practice of Two Rakaats Before Maghrib Fardh is Not Sunnat or Mustahab

11.1 Taaos reports that Ibn Umar (Radhiyallahu anhu) was asked about the two Rakaats preceding Maghrib. He (Ibn Umar) replied: *“I did not see anyone during the time of Rasoolullah (Sallallahu alaihi wa sallam) performing it.”*—Abu Dawood²⁶

11.2 It is reported from Jaabir (Radhiyallahu anhu) that he said: *“We enquired from the wives of Rasoolullah (Sallallahu alaihi wa sallam) if they had seen Rasoolullah (Sallallahu alaihi wa sallam) performing the two Rakaats before Maghrib Salaah. They replied: ‘No,’ except Umme Salamah who said: ‘He read it by me once, so I asked him what the Salaah was? He (Sallallahu alaihi wa sallam) replied: ‘I forgot to read two Rakaats before Asr. I have performed the two Rakaats now.’”*—Tabaraani

11.3 Abdullah Bin Buraidah reports from his father that Nabi (Sallallahu alaihi wa sallam) said: *“Between every Athaan and Iqaamah there is some Salaah, besides Maghrib.”*—Bazaar²⁷

²⁵ Fat-hul Qadeer, 1/207

²⁶ 11.2 and 11.3 have been reproduced from Fat-hul Qadeer, V.1 pp. 388/9.

²⁷ I'laaus Sunan, 2/64

From some quarters aspersions have been cast on this Hadeeth. However, Allaamah Zafar Ahmad Uthmaani (Rahmatullahi Alaih) has thoroughly rebutted all the false claims and verified the Hadeeth to be of the *Hasan* category. See *I'laaus Sunan* for the details.

12. Istiwa alal Arsh—Where is Allah Ta'ala?

12.1 The issue of *Istiwa alal Arsh* is mentioned in seven Surahs, viz. Surah A'raaf, Surah Yunus, Ra'd, Taha, Furqaan, Sajdah and Hadeed.²⁸

The following Tafseer of *Istiwa alal Arsh* appears in *Tafseer Mukammal Bayaanul Qur'aan* under the Aayat in Surah A'raaf:

ثُمَّ اسْتَوَىٰ عَلَى الْعَرْشِ

“Then He established (and manifested) Himself on the Arsh (which resembles the Throne of a King, in a manner befitting His Sublime Being).”

This is precisely the view of the *Jumhoor Salaf* [Overwhelming majority of the Former Ulama], i.e.:

- The nature of *Istiwa alal Arsh* is entrusted to Allah Ta'ala.
- Delving in the reality of it is prohibited.

This prohibition is only logical because the human mind is incapable of comprehending it [the reality of Allah Ta'ala's *Istiwa*]. This is like a person born blind being advised to refrain from delving into the nature of colour since he will not be able to comprehend the concept and reality of colour.

²⁸ Imdaadul Fataawa, V.6, p.39

We should not compare His [Allah Ta'ala's] *Istiwa* to our *Istiwa*, for indeed the nature of an attribute differs in relation to the holder of the attribute. Zaid 'settling' somewhere is not like the mind settling on an issue. Similarly, 'length' does not always have the same meaning. The length of a stick is not the same as the length of night, notwithstanding the fact that both 'settling' and 'length' are in their literal sense [in the two examples mentioned].

When the *Mustawi* [that is, the Being Who has established and manifested Himself on the Arsh] is unfathomable in His Essence, His *Istiwa* will likewise be unfathomable. Thus, there is no way to compare One Whose reality is unfathomable with an entity whose reality is fathomable. Your *Istiwa* is inconceivable for Allah Ta'ala.²⁹

12.2 The safest course is to abstain from probing this issue and to leave the meaning of it to Allah Ta'ala.

The approach of the illustrious *Salaf* [i.e. Predecessors, Former Ulama] was that the *Nusoos* [Qur'aanic Texts and Ahadeeth—here reference is to the allegorical texts] are in their literal senses. However, the nature and essence of it are not known.³⁰

12.3 *Istiwa* and *Uluw* [Loftiness] do not necessitate direction. If direction is declared [for Allah Ta'ala as the deviate Salafis fallaciously claim that Allah Ta'ala is above on His Throne] then the nature of *Istiwa* is specified which is in violation of the belief of the illustrious *Salaf*. They unequivocally state that the reality [of *Istiwa*] is not known.

To summarize, there are two dimensions to *Istiwa* and *Uluw*:

- Stipulating direction [for Allah Ta'ala].

²⁹ Ibid, p.50

³⁰ Ibid, p.25

- Without stipulating direction, in fact, negating direction.

The first is the doctrine of the *Mujassimah* [a deviant sect whose members subscribe to anthropomorphism], and the second is the doctrine of the *Ahlu Sunnah* in which the Muhadditheen and Soofiyah both are included.³¹

12.4 Direction [for Allah Ta'ala] is negated traditionally and rationally. In tradition, on the basis of the Aayat: “*There is none like unto Him.*”

Rationally, for this reason that direction is created and non-eternal, whereas Allah Ta'ala is pure from the attribute of ephemerality, as the substratum of ephemerality is also ephemeral.³²

12.5 When asked in this regard, Imam Maalik (Rahmatullahi alaih) explained it in the following beautiful manner]: “*Istiwa is known, the manner is unknown, delving into it is bid'at and belief in it is incumbent.*”—Marginal Notes of *Nibraas* with reference to *Sharhul Fiqhil Akbar* by Mulla Ali Qaari³³

The *bid'at* and *dhalaalat* (innovation and deviation) of the modernist Salafis are thus manifest from Imam Maalik's statement. They have raised and dabbled in this issue without fear for the delicate nature of the subject, thus exposing their Imaan and the Imaan of unwary Muslims to *kufur*. May Allah Ta'ala protect us from transgressing the limits!

12.6 This brings us to the question: *Where is Allah Ta'ala?* This question too, like the previous mas-alah is delicate and delving into it is unwise. In fact, for us who lack expertise in Shar'i

³¹ Ibid, p.25

³² Ibid, p. 25

³³ Ibid, pp.30/ 1

Uloom to discuss the issue is fraught with perils for our Imaan. And, even if we possessed deep knowledge of the Shariah and Islamic Sciences, then too words lack the scope to describe this as well as all the Infinite Attributes of Allah Azza wa A'laa.

The minimum requirement is that we believe in the following:

- Allah Ta'ala declares: "*East and west belong to Him. Thus, wherever you turn, the Face of Allah is there.*"

Thus, the *Face of Allah Ta'ala* is everywhere. In what way and in which manner is not our concern. In fact, it is kufr to probe the details.

- Allah Ta'ala declares: "*Be aware that indeed He encompasses everything.*"

Thus, everything is surrounded and encompassed by Him. Nothing escapes Him and nothing is beyond Him. This much we believe and it is part of our categorical Faith. How He encompasses everything is beyond the limit of our finite minds.

- Allah Ta'ala declares: "*And He is with you wherever you are.*"

The above Aayat also asserts the Presence of Allah Ta'ala to be everywhere. We do not know the *kaif* or manner and nature of His presence. This is the belief of the illustrious Soofiyah whom the Salafiyyah (Salafis) target with slander. The scope of this treatise does not permit a detailed rebuttal of the Salafi slander levelled against the honourable Soofiyah and *Mashaaikh of Tasawwuf*. Our purpose here is simply to provide the essential dalaail and basis for the *Math-hab* and *Maslak* of the Hanafiyyah, Soofiyah and Jumhoor Ahlus Sunnah wal Jama'ah.

Shaikh Shamsud Deen Ramli Shaafi'i (Rahmatullahi alaih) in his *Fataawa* cites an incident of a person who offensively questioned a Soofi [Saint, Buzrug]: *"Where is Allah?"* The anti-Math-hab Madinah University students rudely pose the same question to Musallis and Pilgrims of Masjid-e-Nabawi. The Buzrug gave the following apt reply: *"Be gone! Are you searching with your eyes where? Allah Ta'ala declares: 'And He is with you wherever you are.'"*

- Rasoolullah (Sallallahu alaihi wa sallam) said: *"If you send a rope down to the bottom of the earth, it will come to Allah."*

The Hadeeth clearly rebuts the Salafi view of Allah Ta'ala being confined to the skies. As stated earlier, Allah Ta'ala is free from time, place, direction and limit.³⁴

Hazrat Ali (Karramallahu wajhahu) sums up the *Aqeedah* [Tenet of Faith] of the *Ahlu Sunnah* as follows: *"I recognise my Rabb with that which He Himself has made me recognise Him. He cannot be perceived with the senses and He cannot be judged according to humans. He is near in His absence, yet far in His presence. He is above everything, yet nothing will be said to be below Him. He is in front of everything, yet nothing will be said to be in front of Him. He is in everything unlike one thing in another. Thus, Glory to that Being Who is such whilst nothing else is like that."*³⁵

Salafis question Allah Ta'ala's Omnipresence by disgorging the following profanity: *"Is He in the toilet when you are in the toilet?"* Allah Ta'ala instructs us to respond to the drivel of the ignoramuses in the following manner:

سَلَامٌ عَلَيْكُمْ لِأَنَّكُمْ أَجَاهِلِينَ

³⁴ The aforementioned was a summary of pp. 23 and 52 of *Imdaadul Fataawa*, V.6.

³⁵ *Fataawa Ramli on the Margins of Al-Fataawal Kubra*, V.4 p. 267

(*Salaam to you! We do not quarrel with the juhala.*)

In short, Allah Ta'ala's Presence is everywhere, i.e. He is Omnipresent, in a manner He knows best.

13. Tawassul/Waseelah and Shirk

13.1 A detailed elaboration of this mas-alah is as follows: There are 3 interpretations to *Tawassul/Waseelah* of creation.

The First Interpretation—To make du'aa to a created being and to beseech it, as was the practice of the Mushrikeen. This is *haraam bil Ijma'* [through the Consensus of the Ummat].

In so far as this being *Shirk-e-Jali* [Conspicuous *Shirk* which expels the perpetrator from the fold of Islam] or not is concerned, the gauge for this is whether this person [who makes Tawassul in this way] believes in that created being or object to be *mu-athir-e-mustaqil* [independent in realizing and creating the desired effect] or not. If he does, then this is *Shirk-e-Kufri* [i.e. clear-cut kufr and shirk expelling the perpetrator from the fold of Islam].

Example: To perform Salaat, or keep Roza [Sowm] or render any Ibaadat which is exclusive to Allah Ta'ala, for a creation of Allah Ta'ala is *shirk* and *kufr*.

Similarly, if the act is a salient feature of the *kuffaar*, like Sajdah to an idol or wearing the Hindu holy-thread [or the Christian cross] then it is *Shirk-e-Kufri*.

If this is not the case [i.e. the *mutawassil* or person making Tawassul does not regard the medium of supplication to be *mu-athir-e-mustaqil*, nor is the act a salient feature of the *kuffaar*],

then it will be sinful [not *kufr*]. Example of this is to prostrate as a form of greeting.

The meaning of *mustaqil bit ta-theer* is that Allah Ta'ala has assigned this work to that creation [in the opinion of the *mutawassil*] in such a way that it is not dependent on the special will of Allah Ta'ala in implementing and producing work, although [he believes that] Allah Ta'ala has the power to dismiss that creation from its power and the work entrusted to it [in his misbelief].

The Second Interpretation—To request creation to make du'aa. This is permissible with regard to such a creation from which du'aa can be requested. This possibility is not proven in any way in regard to a deceased. This form of *Tawassul/Waseelah* is peculiar to a living being.

The Third Interpretation—To make du'aa to Allah Ta'ala through the barkat [blessing] of a chosen creation [i.e. someone enjoying proximity to Allah Ta'ala]. The *Jumhoor* have approved of this. Ibn Taimiyyah and his muqallids proscribe it.

The reality [and implication] of this third interpretation is: “*O Allah! This certain person—or this particular deed of ours or this particular deed of so-and-so person—is accepted and loved by You. And we are associated and connected with that bandah [servant]—or deed—or by our practise of the deed; You have promised Your Mercy (Rahmat) on such a person who has this association and connection. Therefore, we ask You for that (promised) Rahmat.*”

This then is the reality of *Tawassul* and *Waseelah*. Can someone point out to me what Shar'i or rational error is there in this concept? Yes, if in the interest of safeguarding the Deen of the public [from transgressing the limits of the Shariah] it is

prohibited, then we too will stand with Ibn Taimiyyah. But, our discussion is on the Mas-alah *per se*. In this regard, the *Haq* is with us, *Insha Allah*. Treasure this explanation for it reveals the nature of *Tawassul* and *Shirk* in which many scholars and intellectuals are perplexed.³⁶

13.2 It is reported from Mus'ab Bin Sa'd from his father that he [Sa'd] was under the impression that he held distinction over the other Sahaabah of Nabi (Sallallahu alaihi wa sallam) [by virtue of his leadership]. Upon this Nabi (Sallallahu alaihi wa sallam) declared: "*The nusrat [aid] of Allah Ta'ala with this Ummat is by virtue of its weak ones, their du'aas and their sincerity.*" (Thus, leaders are in need of them, not vice versa). —Nasaai

Bukhari documented the above Hadeeth with these words: "*You are aided and sustained purely by virtue of your weak ones.*"

The above Hadeeth evinces the following two points:

- The virtue of the weak and helpless. Hence you will observe that the *Ahlullah* give prior attention to the needs of the weak over the needs of the rich and the leaders.
- Proof of *Tawassul* of the chosen servants of Allah Ta'ala personally and through their physical and spiritual deeds. Accordingly, these three agencies are indicated by these words: "*by virtue of its weak ones, their du'aas and their sincerity.*" The word '*weak ones*' indicates person, the word '*du'aas*' indicates external deeds and '*sincerity*' indicates inner action.

13.3 The muqallids of Ibn Taimiyyah—the Salafis—also consider Qaadhi Showkaani to be an authority. It will serve the

³⁶ Bawaadirun Nawaadir, pp. 706—709, with slight amendments

Salafis well to peruse Qaadhi Showkaani's answer to the question of *Tawassul* appearing in his work *Ad-Durrun Nadheed*. Qaadhi Showkaani dismisses the claim that *Tawassul* is *shirk*. He fully agrees with the *Jumhoor* on the permissibility of *Tawassul*.

A CONVERSATION ON TAQLEED

by Hazrat Moulana Zafar Ahmad Saheb Uthmaani
(Rahmatullahi Alaih)

A nephew (sister's son) of our Hazrat Moulana Khaleel Ahmad Saheb (Quddisa Sirruhu) graduated from *Mazaahir-e-Uloom* Saharanpur and went to Aligarh where he served as assistant to a doctor. This doctor saheb was a Salafi. He thus endeavoured to convert his assistant to Salafism. Towards this end he encouraged the assistant to study the kitaabs of this sect.

For a period of three years he studied the books of this sect. Eventually he became a Salafi/Ghair Muqallid.

After three years he came to meet Hazrat Moulana (Rahmatullahi Alaih) [his uncle] in Saharanpur and immediately upon his arrival he blankly said: "I am not a Hanafi anymore. I have joined the ranks of the Ahl-e-Hadeeth." [Ahl-e-Hadeeth is the misnomer used by Indo-Pak Salafis.]

Hazrat Moulana was deeply hurt. He told the Ulama of *Mazaahir-e-Uloom* to explain to their pupil and clear his doubts. He [the nephew spoke with *Mazaahir-e-Uloom's* Ulama for three days, but he remained firm on his newly-found dogma.

Coincidentally during that time this bandah [Hazrat Allaamah Zafar Ahmad Saheb Rahmatullahi alaih] came to meet Hazrat in Saharanpur from Thanabawan. Hazrat was very happy and he

said: “You have come at a very opportune time. This pupil of yours has turned his back to reality and has joined the Ahl-e-Hadeeth. *Mazaahir-e-Uloom* Ulama have been explaining to him for three days, but he is firm over his belief. You should also explain to him.”

While we were discussing this he [the nephew of Hazrat Moulana Khaleel Ahmad Saheb who had reneged from the Hanafi Math-hab] came to meet me. I told him to meet me after Isha. After giving his word and departing Hazrat Moulana commented: “He has been studying the books of the Ahl-e-Hadeeth for three years. He therefore has a broad view of the issues. In your conversation with him you will have to bear this in mind.” I replied: “*Insha Allah*, I will bear that in mind. Hazrat should assist with du’aas.”

Accordingly, he came to me as promised after Isha. The following conversation took place:

(Moulana) Zafar: Tell me my son, what ideology do you currently subscribe to?

Pupil: Practice on *Saheeh* Ahadeeth.

(Moulana) Zafar: Practice on only *Saheeh* Ahadeeth! Not practice on the Qur’aan?

Pupil: Hazrat! Practice on the Qur’aan is first and foremost. Thereafter practice on *Saheeh* Ahadeeth.

(Moulana) Zafar: If that is your ideology then you would have firstly stated, “Practice on the Qur’aan” and then you would have mentioned “practice on the Hadeeth.”

Pupil: It being obvious, I did not see any need to mention it.

(Moulana) Zafar: You’re trying to cover up. As a matter of fact, the Ahl-e-Hadeeth do not apply the Qur’aan. On the other hand, the golden rule of the Hanafiyyah is to look firstly at the Qur’aan and then the Hadeeth. We give preference to the Hadeeth which we find in consonance with the explicit declaration of the Qur’aan, and we give suitable interpretations to the other

Ahadeeth [which outwardly do not conform to the explicit declaration of the Qur'aan].

Now let me tell you about the well-known Masaail in regard to which we and the Ahl-e-Hadeeth have conflicting views. We firstly looked at the Qur'aan, giving preference to those Ahadeeth which we found in consonance with the explicit texts of the Qur'aan.

Qiraat Khalfal Imam

Consider the mas-alah of *Qiraat Khalfal Imam*. Here, as well, we firstly looked at the Qur'aan. In Surah A'raaf Allah Ta'ala declares:

“When the Qur'aan is recited, then listen to it attentively and maintain silence. You can then hope for mercy to come down on you.”

This clearly evinces that there should be no *Qiraat* simultaneously with the Imam's *Qiraat*. Rather, one should listen to the Qur'aan and maintain silence.

That the Aayat was revealed in regard to reciting behind the Imam is a fact unanimously agreed upon as stated by Imam Ahmad Bin Hambal (Rahmatullahi Alaih). (Those Ulama who aver that it is connected to the Khutbah of Jumu'ah, what they intend is that the Khutbah has the same ruling. This is their obvious purport as the Aayat is *Makki* and in Makkah there was neither Jumu'ah nor Khutbah.—Zafar)

Then we took a look at the Ahadeeth. No Hadeeth states: “When the Imam recites, you should also recite.” But we do find: *“When the Imam says, ‘Allahu Akbar’ then you should also say, ‘Allahu Akbar’. When he makes Ruku’ then make Ruku’. When he says, ‘Sami’allahu Liman Hamidah’ then say, ‘Rabbana Lakal Hamd’. When he makes Sajdah then you should also make Sajdah.”*

But no where is there: “When he recites (makes *Qiraat*) then you should also recite.” In fact, if there is anything, it is: “*When he recites then you should maintain silence.*” Imam Muslim, Imam Ahmad and numerous other Muhadditheen have authenticated this Hadeeth [i.e. they have declared it to be *Saheeh*]. The Hanafiyyah have endorsed this Hadeeth and have taken the other Ahadeeth [on *Qiraat Khalfal Imam*] to have other appropriate purports.

Aameen

Even regarding the Mas-alah of *Aameen* the Hanafiyyah firstly looked at the Qur’aan. In view of *Aameen* being a du’aa, as Imam Bukhari has documented in his *Saheeh*, we looked at what the Qur’aan says about du’aa. We found this declaration of Allah Ta’ala: “*Call unto your Rabb humbly and silently.*” Thus we gave preference in this Mas-alah to the narration of Shu’bah in which it is said: “*He [Rasoolullah Sallallahu alaihi wa sallam] recited Surah Faatihah and after completing it he said, ‘Aameen’ and he lowered his voice with it.*” That is, he said it softly. This Hadeeth appears in Tirmithi.

Raf’ul Yadain

We have even looked at the Qur’aan firstly in regard to raising the hands (*rafa’ yadain*) in Salaah. We found these commands of Allah Ta’ala:

“*Stand before Allah in silence.*”

“*And those who have khushoo’ in their Salaah.*”

The first Aayat states that we should stand in the presence of Allah Ta’ala silently and with tranquility. The second Aayat states that those who have *khushoo’* in their Salaah are successful. *Khushoo’* means nothing other than tranquility.

Next we looked at the Ahadeeth. There is a narration in *Saheeh Muslim* in which is mentioned that the Sahaabah would lift their hands in Salaah at the time of Salaam and say: “*Salaam to so-and-so, Salaam to so-and-so.*” Reprimanding them Rasoolullah

(Sallallahu alaihi wa sallam) said: “*What is the matter? Why are you raising your hands like how horses raise their tails? Be tranquil in Salaah!*”

We learn from this Hadeeth that to raise the hands even during Salaam is in violation of tranquility, whereas the time of Salaam falls within Salaah, and also out of Salaah. [In other words, the position of Salaam is such that in some aspects it falls within the Salaah and in some aspects it is considered to be upon the termination of the Salaah]. Thus, how can it be proper to raise the hands at the time of Ruku’, when Ruku’ falls only within the Salaah?

Yes, it is proper to raise the hands at the time of *Takbeer-e-Tahreemah* in view of it [Takbeer-e-Tahreemah] not being a part or *rukn* [constituent] of Salaah. In fact, it is a *shart* [precondition] of Salaah. Hence the Hanafiyyah have favoured those narrations which advocate abstention from lifting of the hands at the time of Ruku’.

In like manner one can judge the other Masaa’il. The Hanafiyyah firstly look at the Qur’aan and then the Ahadeeth. The Hanafiyyah then give preference to those [Ahadeeth] which are in consonance or close to the explicit declaration of the Qur’aan.

Pupil: Really, I did not reflect over this point. Nevertheless, the doubt still remains of the Hanafiyyah’s practice being in conflict to *Saheeh* Ahadeeth in certain Masaail?

(Moulana) Zafar: My Dear Son! Firstly define *Saheeh Hadeeth*. But, remember; do not make anyone’s taqleed in your definition.

After listening to this the pupil was silent for a while. He was perspiring. He then said: “It is all fitting into place now. Truly, without making Taqleed it is not possible to call any Hadeeth ‘Saheeh’. Further, how is it possible for taqleed of Bukhari,

Muslim, Tirmithi and others to be permissible, whilst taqleed of Imam Abu Haneefah, Imam Maalik and Imam Shaafi'i is claimed to be impermissible. I henceforth repent from plodding the path of the Ahl-e-Hadeeth and I opt for the Hanafi Math-hab.

(Moulana) Zafar: You have understood very quickly! I am happy. Nevertheless, I wish to expand on this. Those who reject and criticise Taqleed cannot say whether a Hadeeth is *Saheeh*, or *Dha'eef* or *Hasan* without making Taqleed.

Ittiba'-e-Hujjat is Taqleed

The excuse they present is that Allah Ta'ala has declared the report of an honest person and the testimony of a reliable person to be *Hujjat* [Shar'i proof]. "This [acceptance of the verdicts of the Ulama in the field of Hadeeth categorization], is therefore not taqleed, but *Ittiba'* of *Hujjat* [obedience to Shar'i proofs]."

My response is that, declaring a Hadeeth to be *Saheeh* or *Dha'eef* is not merely a report. In fact, the roots of it lie in the presumption and deduction (*zann* and *ijtihad*) of the Muhaddith.

Sometimes the narrators of the chain are all *thiqah* [reliable], however the Hadeeth is *mu'allal* [flawed]. And the *illat* [flaw] can only be detected by experts in Hadeeth, not by just any Muhaddith.

Ibn Abi Haatim has reported in *Kitaabul Ilal* that Abdur Rahmaan Bin Mahdi said: "*Recognition of [the authenticity of] a Hadeeth is inspirational.*" Ibn Numair further added: "*That is absolutely true! If you ask the Muhaddith: 'What is your basis (for saying that the Hadeeth is Saheeh or Mu'allal)?' he will not be able to answer.*"

Ahmad Bin Saalih states; "*Recognition of Hadeeth is just like recognising gold from brass. A gem-dealer recognises a true gem. If you question an appraiser: 'Why do you say that this [stone] is pure and this one is false?' He will not be able to furnish you with*

proof.” [In former times, the instruments utilised nowadays by gemmologists were not available and hence gems were recognised through natural perception and flair.]

This proves that the Aimmah of Hadeeth saying in regard to any Hadeeth, “*Saheeh*” or “*Mu’allal*” is not just a matter of reporting. In fact, these statements of theirs are the products of their *zann* and *Ijtihad*. Thus, to rely on their statements here is precisely Taqleed.

Allaamah Ibnul Qayyim’s averment that this is not taqleed in the *Ahkaam* is not correct because it is *waajib* in the Shariah to apply a *Hadeeth-e-Saheeh*, it is not obligatory to apply a *Dha’eef* Hadeeth and it is *haraam* to apply a *Mowdhu’* Hadeeth. This is Taqleed of the *Ahkaam per se*. It is not Taqleed of non-*Ahkaam*. It is precisely for this reason that the Fuqaha discuss in the Science of *Usool-e-Fiqh* the *Sunnah* and principles governing its acceptance and rejection.

Calling this *Ittiba’* and not Taqleed, as Allaamah Ibnul Qayyim has averred, is a mere spin of words. The reality is the same.

Taqleed in Qiraat

My Dear Son! Is it *waajib* to recite the Qur’aan correctly or not? Of course it is *waajib*! And to recite incorrectly is *haraam*. Now tell me whether you can recite the Qur’aan correctly without Taqleed of the Imams of *Qiraat*? One can never! And this is also Taqleed in *Ahkaam*.

Similarly, recognising the Hadeeth and sifting out Saheeh from Dha’eef is also *waajib*. And here too there is no alternative other than to make Taqleed of the Aimmah. What audacity do the Ahl-e-Hadeeth [and the Salafis] have in rejecting Taqleed!!!

The Criterion

Furthermore, you should take note of the fact that, the Muhadditheen did not formulate the principles of judging a Hadeeth to be *Saheeh* or *Dha'eef* on the basis of Divine Revelation. That formulation was the product of their *zann* and *ijtihaad*. Our Fuqaha have likewise formulated principles of the authenticity and weakness of Ahadeeth, which are mentioned in the chapter of *The Sunnah* in *Usoolul Fiqh*. It is therefore possible that a certain Hadeeth is *Saheeh* on the standards of the Muhadditheen, but *Dha'eef* on our standards. Or it could be *Saheeh* on our standards and *Dha'eef* on the standards of the Muhadditheen. To initiate argumentation in this regard is therefore an error. The *dalaail* should be studied; whose principles are strong on the basis of *dalaail*?

The True Rejecters and Followers of Hadeeth

In conclusion, I must point out that no one follows the Hadeeth on par to the Hanafiyyah. The Hanafiyyah even accept *Mursal* and *Munqati'* Ahadeeth of the *Khairul Quroon* to be *hujjat*, whereas the Ahl-e-Hadeeth reject such Hadeeth. The volume of *Maraaseel* and *Maqaate'* is no less than *Marfoo'* Ahadeeth. In fact, it is slightly more. Thus, these people [the votaries of abandonment of Taqleed] omit half of all Ahadeeth!!!

Furthermore, they only select *Saheeh* or *Hasan* Ahadeeth from the *Marfoo'aat* and they reject the *Dha'eef* narrations. But according to the Hanafiyyah a *Dha'eef* Hadeeth deserves precedence in contrast to *Qiyaas*. [What this means is that where no *Saheeh* or *Hasan* Hadeeth is available on any issue, the Hanafiyyah do not discard *Dha'eef* Ahadeeth and come to intellectual deductions. The *Dha'eef* Hadeeth is employed provided that it is not in conflict with any established tenet and practice of the Deen.]

In fact, even the statement of a Sahaabi and the statement of a senior *Taabi'i* are given priority [by the Ahnaaf] over *Qiyaas*.

Now you tell me who practices on Hadeeth and who discards the Hadeeth?

The Sanad is Not the Only Determinant for Saheeh Hadeeth

The question of the Hanafiyyah omitting *Saheeh* Ahadeeth in certain Masaail has been addressed earlier. The Ahadeeth which the Hanafiyyah have employed are *Saheeh* according to their standards, regardless of them being *Dha'eef* in the opinion of the Muhadditheen. According to the Hanafiyyah the condition for the authenticity of a Hadeeth is not restricted to its *sanad* [chain of narrators]. In fact, there are other conditions as well which are mentioned in *Usool-e-Fiqh* and we have also set them out in the introduction of *I'laaus Sunan*. In the second part of the Introduction of *I'laaus Sunan* we have furthermore elaborately discussed Taqleed and Ijtihaad...

Pupil: *Al-Hamdulillah*, my eyes have now opened and I have been set free from the deception and fallacy of the Ahl-e-Hadeeth.

*Wal Hamdu Lillaahi Rabbil Aalameen*³⁷

³⁷ Al-Balaagh Monthly, Karachi—Shawwaal 1387H