



From Confusion to Clarity: Taqīd – Blind Following or Informed Trust?

Exploring the wisdom, purpose and relevance of following a legal school in Islam.

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Topics

Case Study Exercise

Overview

PART 1 - Ijtihad & Approach to the Text

Asr Break

PART 2 – Implementation of Taqlid; Definition, Categories, Evidence and Misconception.

PART 3 – Discussion & Concluding Reflections

Learning Outcome?

Understand	Understand the real meaning and purpose of taqlīd.
Recognize	Recognize the value of the four madhhabs as reliable source of guidance for Muslims today.
Differentiate	Differentiate between blind imitation and informed following.
Appreciate	Appreciate the value of scholarly tradition and the role of qualified jurists (fuqahā') in preserving Islam's integrity.
Feel	Feel confident in following a legal school with understanding — not out of habit, but with conviction and insight.
See	See the beauty and balance of Islam's legal tradition as something that protects unity and promotes sincere faith.

About JKN Fatawa Department

A non-profit organization founded by Shaykh Mufti Saiful Islām and currently managed by Mufti Abdul Waheed since September 2008.

To address mundane Islamic jurisprudential queries according to the Hanafi School of Law.

Published 2 fatwa books containing answers to queries accumulated over the years through the fatawa department; Your Questions answered published in April 2010 and Ask A Mufti 3 Volumes published in December 2014.

Launched the website in 2020 as an independent platform.

Islamic Marriage Advice & Counselling, and Islamic Legal consultations.

We have a dedicated team of Takhassus ifta graduates (male/female) who contribute Fatawa to the website.

All queries are thoroughly researched and answered by Mufti Abdul Waheed and the team of Takhassus fil Fiqh students under the supervision and endorsement of Shaykh Mufti Saiful Islām Sāhib.

Aims of the JKN Fatawa Department

Short-term Goal

- Invite experts to deliver specialised topics of their interest oriented around fiqh.
- Educate the masses through the Q&A service, social media & courses.
- Provide Islamic content on every topic in contemporary fiqh
- Educating Islamic values of marriage.

Long-term goal

- To create a repository of contemporary fiqh on every topic and other relevant Islamic content for scholars and non-scholars.
- Disseminate authentic Islamic information among the masses.
- An online resource centre for people.
- Make knowledge accessible to the public, students of deen and scholars
- Support Muslims couples to navigate marital problems using Islamic principles

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person
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counselling,
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telegram
group and a
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for the
brothers



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safe space
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Reflective Questions

Why has Taqlīd become a controversial topic?



Is Taqlīd necessary despite the wider accessibility of the Quran and Sunnah?



What are the most common misconceptions of the Taqlīd?

Case Exercise:
Is it Sunnah to
stand or sit to
drink water?
Analyse the
below Hadīth

‘Alī (may Allah be pleased with him) came to the gate of **al-Raḥbah**, and drank **while standing**, and said: **“Indeed, I saw the Messenger of Allah ﷺ do as you saw me do.”** [al-Bukhārī]

Ibn ‘Umar (may Allah be pleased with them both) relates:
“We used to eat during the time of the Messenger of Allah ﷺ while walking, and we used to drink while standing.” [al-Tirmidhī, Ḥadīth ḥasan ṣa

Anas (may Allah be pleased with him) narrates from the Prophet : ﷺ

“He forbade that a man should drink while standing.”

Qatādah said:

So we said to Anas: And eating (while standing)? He said:

“That is even worse, or more repugnant.” [Muslim]

Abū Hurayrah (may Allah be pleased with him) narrates that the Messenger of Allah ﷺ said: “Let none of you drink while standing; and whoever forgets, then let him vomit.”
[Muslim]



Imām Mālik said, “Practice upon Hadeeth the way the Fuqahā have practiced upon it.” (al-Athar Hadeeth shareef, Shaykh Awwamah)

Rajā Al-Harawi states, “Whoever learns Hadeeth without Fiqh is like a pharmacist who amasses medicines without knowing which applies to what, until the physician comes. Thus he remains a student of Hadeeth and does not know the application of the Hadeeth until a Faqeeh comes.” (cited in *The four Imāms and their school*, by Gibril Haddād p. 118)

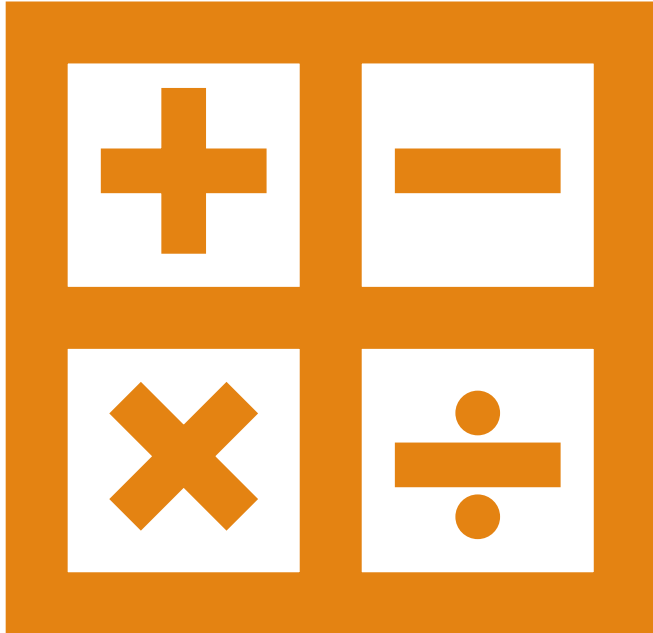
Part 1- Ijtihad & Text

Definition of Ijtihad

Conditions to Qualify as a Mujtahid

Categories of text

Intellectual process



1. Definition

- Literal: Derived from the term *juhd* meaning exerting effort, or “*To exert all possible efforts on a single matter accompanied with difficulty.*”
- Technical:
 - a) *To exert all efforts in acquiring the substantive Sharī rulings from the detailed evidence (sources) namely; Quran, Sunnah, Ijma and Qiyas*” (Shah Waliyullah, Iqdul Jeed, p. 3)
 - b) *(The process of which a jurist is) Exerting all (intellectual) effort of arriving at a legal ruling (the nature of the effort is such) whereby the person (jurist) to proceed further in the process feels the exhaustion. (Amidi, Ihkam fi Usool ul-Ahkam p. 396, vol 4)*

Summary of the Concept of Ijtihad



A Mujtahid applies their full intellectual effort to deduce a ruling.



It is a rational procedure used to derive legal judgments from the sources of Shari'ah.



Only a qualified Mujtahid is permitted to perform Ijtihad.

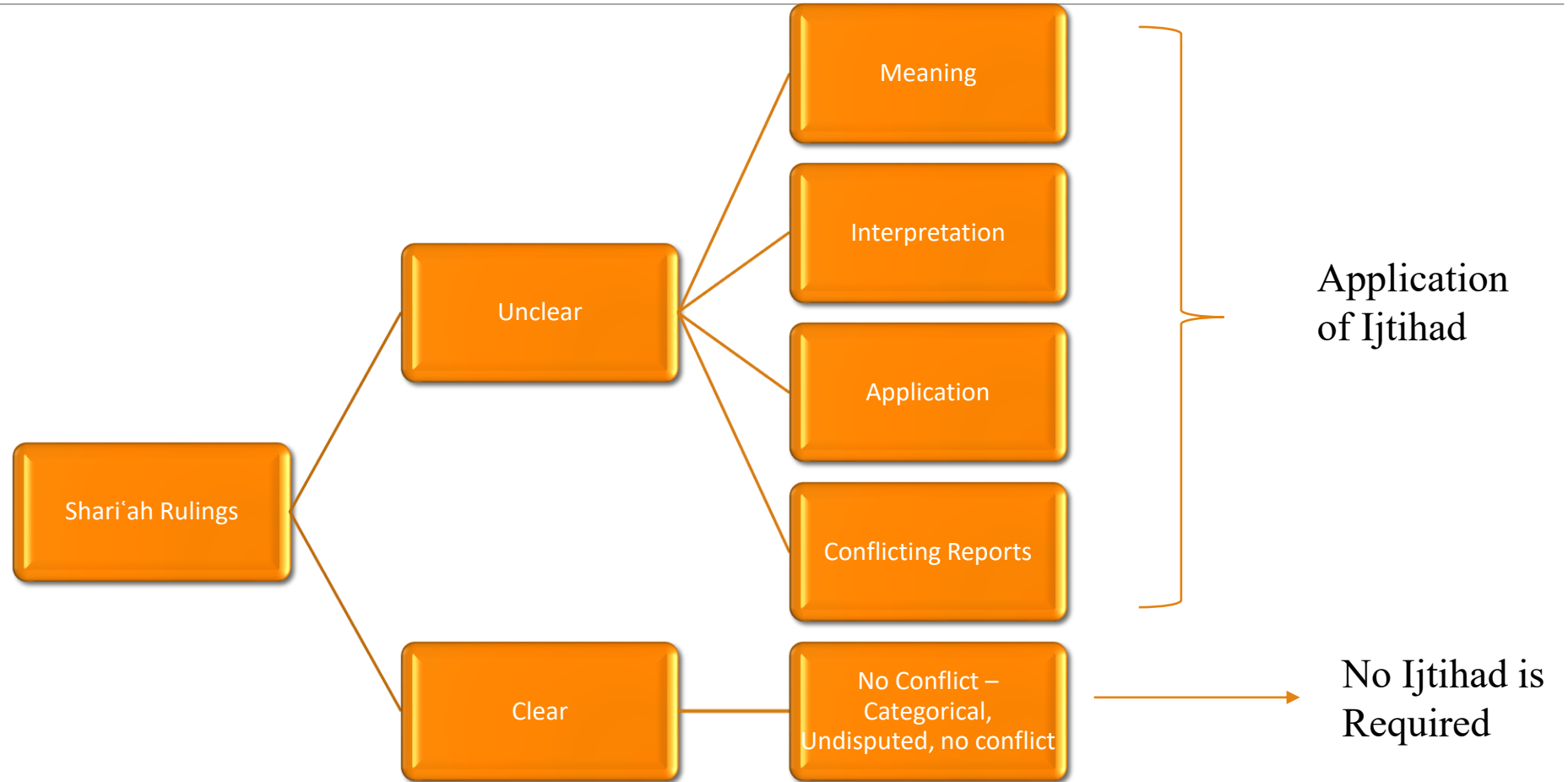


It demands thorough knowledge and insight into the principles of interpreting and extracting laws from Shari'ah sources.

2. Qualifications of a Mujtahid

1. Arabic Linguistics & Grammar; both syntax and morphology
2. The four sources; Quran, Sunnah, Ijma and Qiyas.
3. The science of Usūl-ul-Fiqh and its related terminologies.
4. The methodological process of deriving rulings from the Shari‘ah sources.
5. Hadīth science.
6. The conflicting opinions of scholars and jurist.
7. The historical context of revelation – *asbab nuzūl*.
8. The laws of abrogation.
9. The legal school.
10. Understanding of theology. (*Ihkam fi Usool ul-Ahkam p. 397, vol 4*)

3. Categories of a Text



4. The Intellectual process of a Mujtahid

Interpreting the law



Inferring the Law



Example 1 – Conflicting evidence

Question: Is it permissible to Marry in Ihram?

- **Imām Shāfi’ī** – Not permissible.
- *Evidence* – the Messenger of Allāh (saw) said, “A Muhrim should not marry, nor to be married and neither proposed to.” (Muslim)
- **Imām Abū Hanifah** – Permissible
- *Evidence* - The Messenger of Allāh (saw) married Sayyidah Maimoonah whilst he was in the state of Ihrām and consummated the marriage after becoming Halāl (i.e. out of Ihrām). (Bukhari and Muslim)

Example 2 – Identifying the Legal Ratio

Question: Will eating and drinking intentionally in Ramadhan Necessitate Kaffarah?

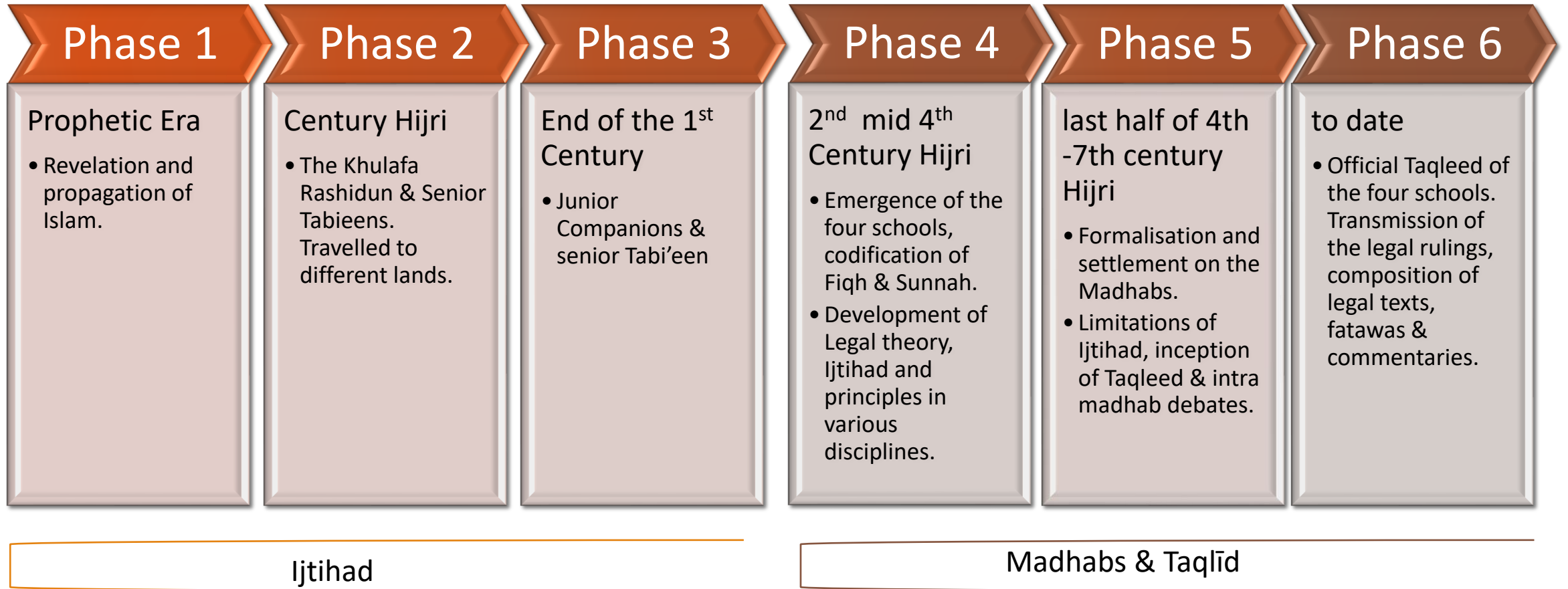
- **Imām Shāfi'ī** – No, it is not necessary.
- *Evidence* – The Hadīth of the Bedouin consummating with his wife during Ramadhan fast specified consummation as the legal ratio only.
- **Imām Abū Hanifah** – Necessitate both Qadha and Kaffarah
- *Evidence* - The Bedouin violated the laws of Imsak intentionally which also includes eating and drinking.

Example 3 – Ambiguity in wordings

Question: Is maintaining sequence in Wudhu obligatory or not?

- **Imām Shāfi’ī** – Yes, it is necessary.
- *Evidence* – The particle ‘waw’ in the verse of wudhu (5:6) denotes to sequence (tarteeb).
- **Imām Abū Hanifah** – It is a Sunnah, but not necessary.
- *Evidence* - The particle ‘waw’ in the verse of wudhu (5:6) does not denote to tarteeb but outlines the integral limbs of wudhu.

Evolutionary process of Islamic Fiqh – Ijtihad – Taqlīd





Break for
10 minutes

Part 2- IMPLEMENTATION OF TAQLĪD

Definition of Taqlīd

The forms of Taqlīd: Lawful and Unlawful

Categories of Taqlīd

The Function of a Legal School

Evidence of Taqlīd

Arguments Against Taqlīd

Misconceptions

1. Definition

➤ Literal: *Tying a bridle/noose around the neck.*

➤ Technical:

1. Taqlīd is following (ittiba) another person (mujtahid) in what he says or does believing him to be on the truth without deliberating into evidence (*min ghair nazri ila daleel*). (*Kashful Istalahtil Funoon, p. 117*)
2. Accepting the statement of a person without hujjah (*Shawkani, Irshad Fahul*)
3. Following the statement of someone without deep comprehension (marifat) of the evidence (*Sharhul Uqud, p. 47*)
4. Others define it as following someone's statement without questioning (for proof) or not knowing where the proof lies.

Analysis of the definitions



Varying definitions depend on each scholar's understanding of Taqlīd.



Preferred definition is a non-Mujtahid following a Mujtahid's statement knowing that they have proof and without questioning means not having the qualifications of Ijtihad to assess his proofs.



'Without Hujja' means lawful authority – following an opinion which the Shari'ah has not permitted. This excludes the Prophets, companions, Ijma and scholars/jurists.



A Muqallid therefore follows the Mujtahid Imām's statement because the Mujtahid has clear insight into the statements of Allah and his Messenger (saw). (*I'la us Sunnan p. 15, vol 20*)

Ittiba' vs Taqlid

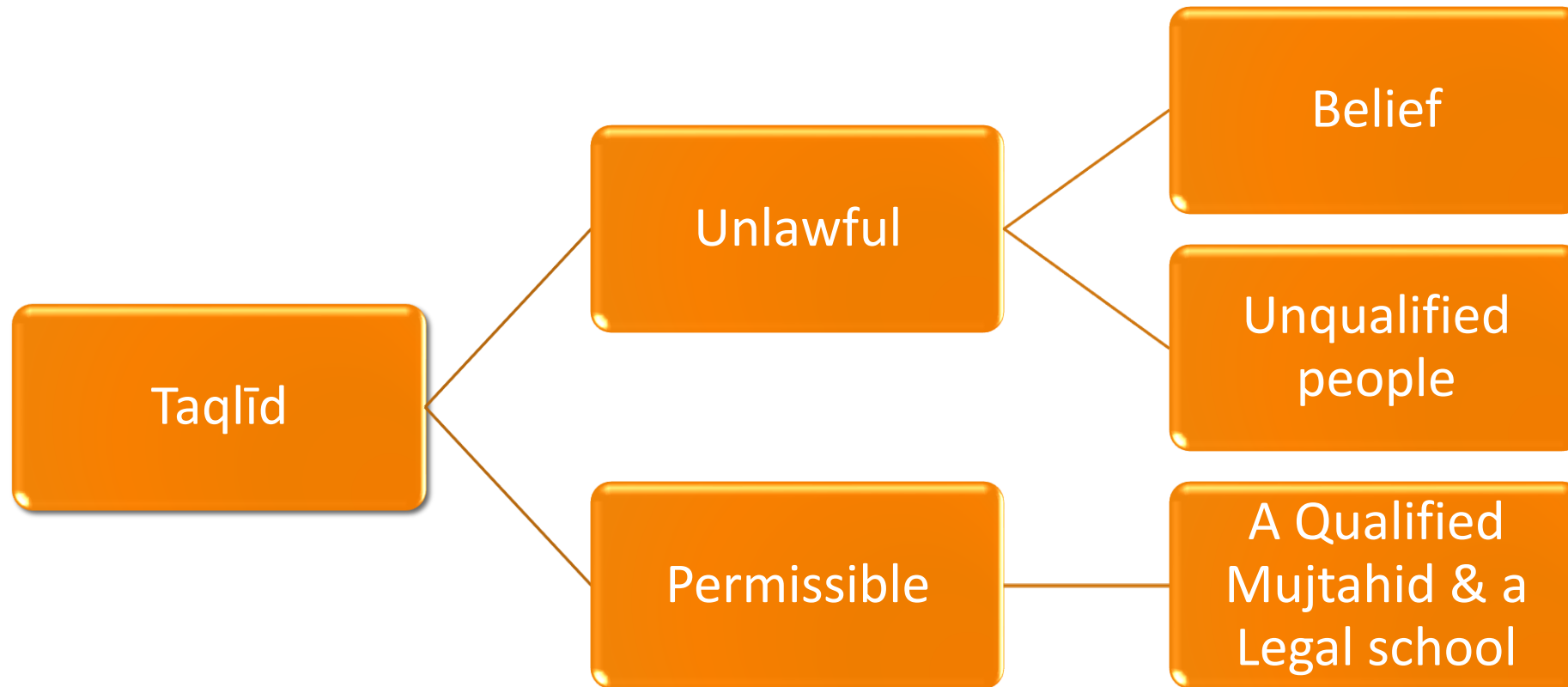
ITTIBA'

Assumption that the person following the evidence than the person's opinion.

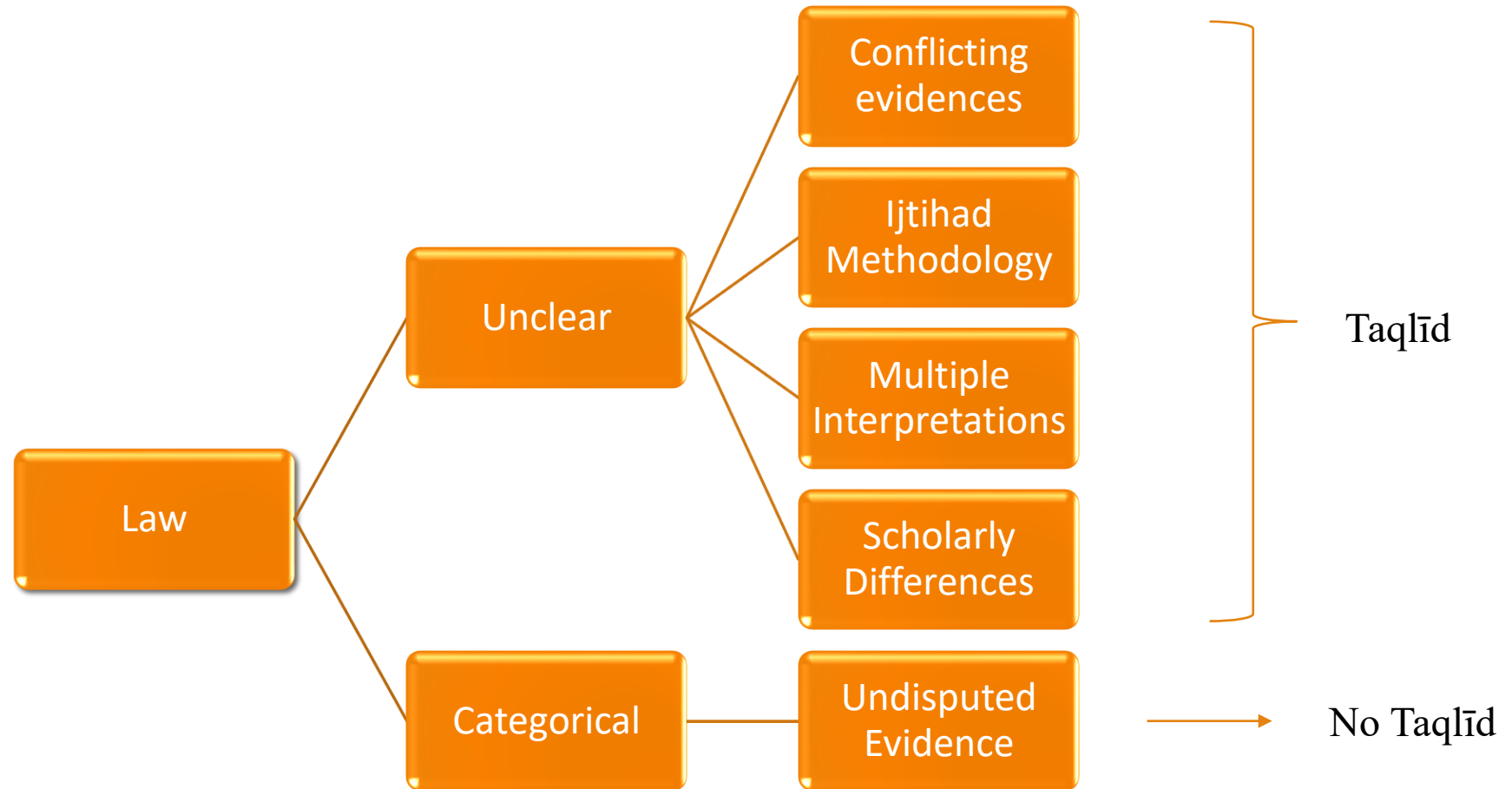
TAQLID

Assumption that you are following a jurist's opinion with confidence that he understands the Shari'ah and rely on his expertise.

2. Forms of Taqlīd



3. Categories of Taqlīd in Law

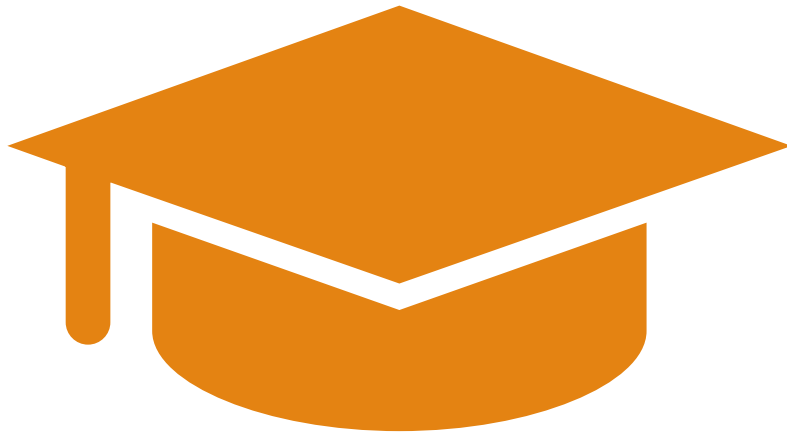


4. The Function of a Legal School



1. Clarify legal rulings.
2. Creates ease in following the Shari'ah.
3. Facilitates the implementation of the law; individually, socially or on a government level.
4. Outlines a legal methodology for jurists to respond to new cases.
5. Sets a consistent legal framework for interpreting and deducing rulings from the Shari'ah sources.
6. Prevents the followers from following their desires or making arbitrary decisions on Shari'ah matters.
7. Draws the boundaries of valid differences in Shari'ah.
8. Connecting the followers to the first three generations.
9. Stood the test of times over a millennium.

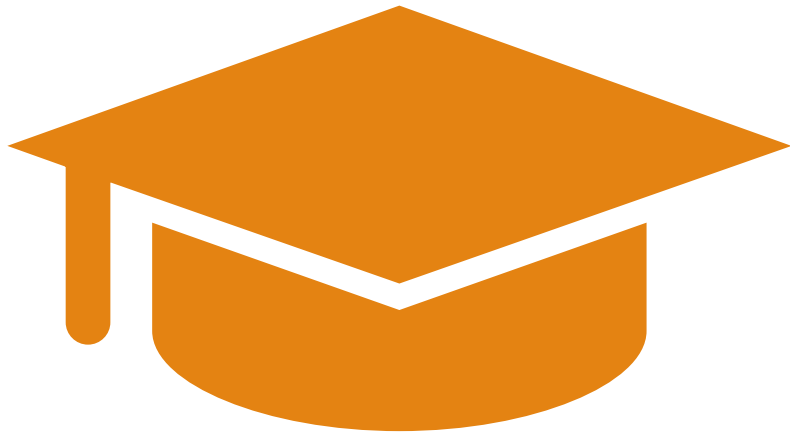
5. Evidence of Taqlīd



Historical Argument

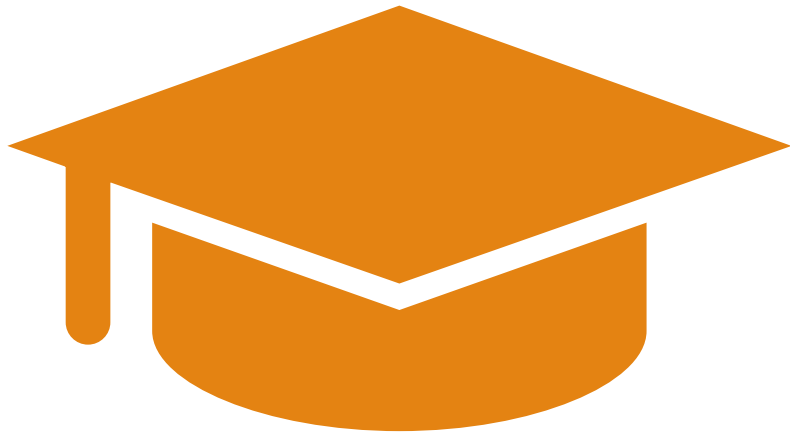
Shah Waliyullah Dehlawi (ra) writes:

“After two-hundred years the legal schools of the Mujtahideen became apparent in of themselves, and finding someone who did not rely on the madhab (school) of the Mujtahid was scarce and this is wajib in our time.” He also stated, “Know! That people before the first four centuries did not unite on Taqlīd of a specific Madhab (implying that after that people did).” (Insaf p. 68 & Hujjatullahi Balighah p. 438, vol 1)



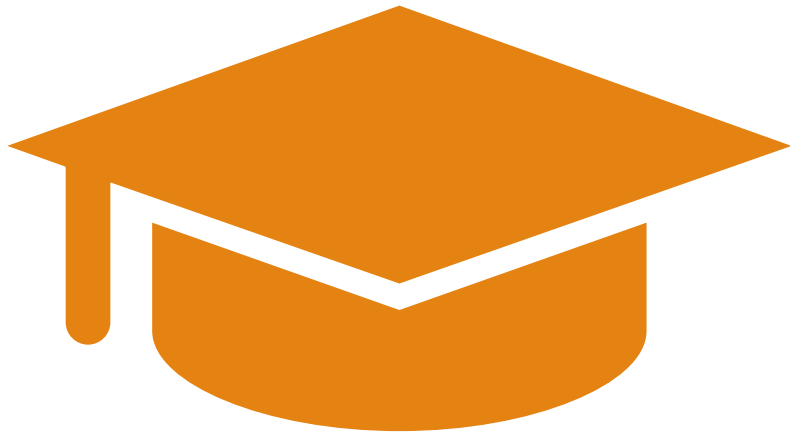
Textual Argument – Evidence 1:

Sayyidunā Abū Ayyūb al-Ansārī (ra) was on his way to perform Hajj when suddenly he lost his camels which he brought for sacrificing (for him to come out of Ihrām). On the day of sacrifice, he came to Sayyidunā Umar (ra) enquiring what to do in this matter. Sayyidunā Umar (ra) instructed him to do as those who perform Umrah do (i.e. to shave or cut their hair) and you will be out of Ihrām. Thereafter, he should perform Hajj in the following year and make the sacrifice. (Muwatta Malik, No. 856)



Textual Argument - Evidence 2:

Ikrimah (ra) relates that [during the season of Hajj] a group of people from Madeenah asked Ibn Abbās (ra) about the ruling of a woman who starts to menstruate during the first Tawāf [prior to the final Tawāf]. He said she is permitted to go home without completing the final Tawāf. The people of Madeenah remarked, “We shall not prefer your opinion over the opinion of Zaid Ibn Thābit” (Bukhāri). In another narration recorded in the Musnad of Abū Dāwood Tayālisi, reported from Qatādah (ra) (a Tābi’ee scholar), the words used were, “We will not follow you, O Ibn Abbās as you go against the opinion of Zaid.”



Textual Argument - Evidence 3:

It is reported that both Jabir ibn Zaid and Ikrimah disliked busr (partially ripened dates) and they adopted this (opinion) from Sayyiduna Abdullah Ibn Abbas (ra). (Sunan Abu Dawood, No. 7311).



Usuli Argument

1. Blocking the means to following personal desires.
2. Wujub li ghayrihi – necessary due to external factors.
3. A systematic framework of interpreting and inferring rulings.
4. Abandoning Taqlīd results in an unsystematic adherence to the Shariah, opening a floodgate of arbitrary opinions and confusion.
5. The legal schools consist of a large body of scholars who have developed, systemised and set interpretive principles to ensure the authentic practice of the Shariah.
6. Following a legal school has been an accepted practice for over a thousand years.

[According to Shah Waliyullah, the ummah unanimously agreed upon the permissibility (i.e. necessity) of Taqlīd of one of the four schools.]

6. Misconceptions about Specific Taqlīd



Objection 1: “They took their rabbis and priests as lords besides Allah.”



Rebuttal: The followers whilst knowing they were going against the scriptures still accepted their verdicts. The Imams clarify legal rulings that align with the Shariah Laws. A Mujtahid does not legislate but comments on the laws. So a Muqallid follows them with the conviction that they understand the law better.

6. Misconceptions about Specific Taqlīd



Objection 2: When a Hadeeth is authentic then that is my Madhab



Rebuttal: 1. This statement was for the Mujtahids possessing the aptitude to evaluate and assess evidences and derive laws from the Shariah sources, not for the lay people.

2. Ibn Katheer (ra) comments on the statement (*when a Hadeeth is authentic then that is my Madhab*) under the verse of *Salātul Wustā*, “*It is a sign of his mastery and trustworthiness, which was also the way of his brother Imāms, may Allāh have mercy on them and be pleased with them.*” (*Tafseer Ibn Katheer, vol 1 p.654*)

6. Misconceptions about Specific Taqlīd



Objection 3: How can you make something **Wajib** which **Allāh** and His Messenger (saw) have not obligated?



Rebuttal: Shah Waliyullah (ra) explains that establishing wujub has multiple avenues (among them being that) anything that is wajib then its precursors are also wajib. When the Ummah must necessarily follow the Shariah then too following a particular legal school is also wajib (to ensure the correct practice of the Shariah). (Insaf, p. 68-70).

6. Misconceptions about Specific Taqlīd



Objection 4: If all of the Legal schools are correct then why strictly adhere to one and follow the opinion closer to the Sunnah?



Rebuttal: 1. Shah Waliyullah (ra) explains that in doing so will lead the religion to a mere toy and play.
2. Each legal school have set principles and unless a person qualifies as a mujtahid or a faqeeh, a non-Mujtahid is not able to distinguish between sound and unsound argument.
3. Using the argument of not restricting to one of the four schools is similar to a person arguing not to strictly adhere to one form of recitation but adopt all 7 recitations.

6. Misconceptions about Specific Taqlīd



Objection 5: The Quran commands the believers to refer to Allāh and His Messenger in the case of dispute (and not the madhab). (Surah Nisa 4: 58)



Rebuttal: The laws of Allāh and the Prophet are divided into 3 categories;

1. Those that are clear and categorical. No scope of differences. Mandatory to follow
2. Those Quranic commands that are ambiguous and the Sunnah clarified and explained their meanings with no further possible interpretations. Mandatory to follow.
3. Those that are unclear commands, require Ijtihad, conflicting reports and so forth. This requires Ijtihad in light of the Quranic and Prophetic principles. Taqlīd is practiced in these matters only.



Part 3- Discussion & Concluding Reflections



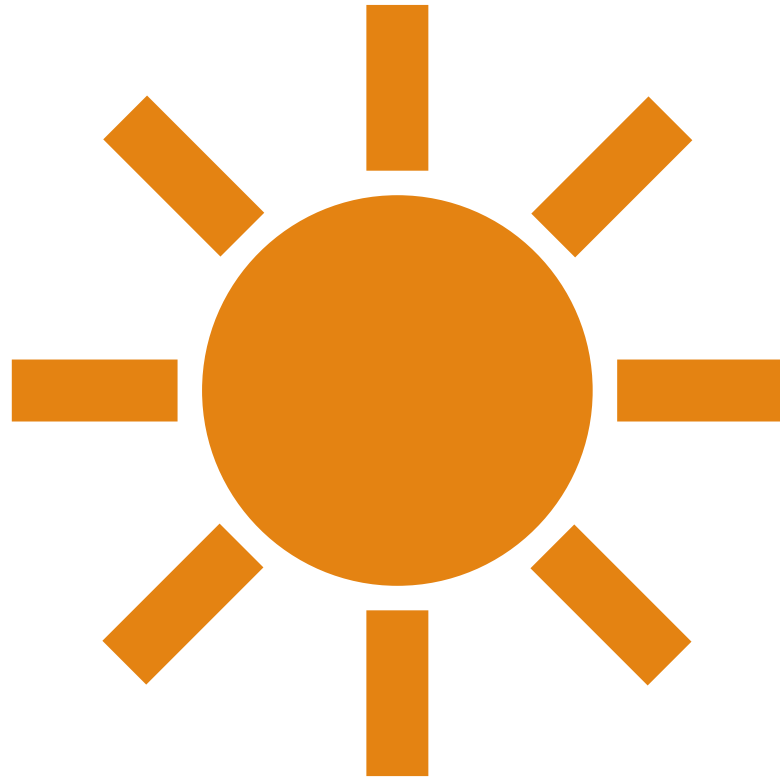
Exercise

Discussion Question:

What potential challenges would a person face if they abandon Taqlīd? Explain your reason by citing an example either from your personal experience or someone you know.

Include;

1. The reason for becoming sceptical of Taqlīd.
2. Common influences of abandoning Taqlīd.



CONCLUDING REFLECTIONS

1. A Mujtahid's task is very complex and requires a high level of qualifications in interpreting the Quran, Sunnah, Ijma & Qiyas.
2. Legal jurists of the four legal schools have refined and comprehensive methodological legal principles to derive and interpret the law in every generation.
3. Taqlīd in its current form is adhering to a legal school, not an individual scholar. It is simply relying on the opinion of expert scholars of the Madhab on Shari matters trusting their knowledge and expertise.
4. Interpreting it as blind imitation is a misrepresentation of Taqlīd. It is a methodological system that we follow that has tried and tested over centuries.
5. Taqlīd facilitates in adhering the Shari'ah.
6. Taqlīd is practiced everyday in our daily lives.
7. Abandoning the four legal schools in the attempt to interpret the law themselves will result in creating a fifth Madhab, opening a floodgate of more diverse opinions and confusion on single matters



Q&A



Jazakallah Khayr

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