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# The Evil Consequences of *Taqleed, Hizbiyyah and Partisanship*

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*By*

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1. Im interested in the statement that madhabs were enforced due to partisanship and not due to scholarly foresight or decision, can i gain further information to read up??

## ANSWER

### PART 1

Sure, although it can be said madhabs and their taqleed was enforced due to partisanship and at times staunch and bigoted as they may have been it would also at the same instance be unfair to say madhabs were enforced due to this reason alone. It may be said or argued that this enforcing was a cause for the partisanship and also similarly and equally the partisanship was a means and a reason for the enforcing and this is how this dynamic should be understood.

This has also lead to some fanatics in their fanaticism in giving Ahlul Bidah a field day and not saying anything about them but rather using petty personal egotistical concepts to attack the salafis under various garbs and fabrications. These individuals are not to be excluded from such categories below.

The intelligent individuals who known the truth should walk away from them without being scared from them, especially when they very well known that Allaahs dhillah is upon him because he cant even lead the

people in the jumuah prayer because he cant recite the Quraan. This is Allaahs wrath on this individual (more to come)

in addition by accepting and acknowledging wherein at times madhabs were enforced due to partisanship it should also be understood scholarly foresight, islamic intellectualism and orthodox learning did have a role.

This discussion and in particular this point also needs to be also understood from a different reverse perspective and that is, madhabs and their affects were rampant and enforced on the masses by eliminating and reprimanded those who called to and propagated the ideology of just sticking to the clear manifest ahadeeth. In addition whilst extending the scope of this discussion this enforcing was done in a number of ways, some were

The state enforcing a particular madhab by either enforcing it due to fear of institutional punishment, incarceration, exiling or boycotting and other times it was by offering financial incentives to those who adopted a particular madhab

- Fear of reprisal from the general public, social boycotting and public censure
- Alienation from community, odd one out

- Public pressure, hounding and pestering to follow a particular madhab
- Following the majority or someone well known following a particular madhab
- A school of thought being famous or gaining popularity due to more schools
- Fabricating narrations and ahadeeth in support and veneration of a particular madhab and also in disparagement and censure of other madhabs based purely on partisanship and factionalism.

These are just some of the cases and what follows are some examples of the the reasons and means why madhabs may have been enforced on the people.

Let us now look at examples of how at times throughout the centuries in the Islamic Kingdom madhabs were enforced due to partisanship based on some of the reasons above.

### **Imaam Baqee Ibn Mukhlad 273H**

He was a great Imaam of Ahlus Sunnah and travelled to Andalus where he began to deliver lectures and open circles on Hadeeth so much so that knowledge of the prophets statement became widespread.

During this time the Maliki Jurists made life very difficult for Imaam Baqee.

From such jurists were the likes of Muhammad Ibn Haarith, Ahmad Ibn Khalid and Abu Zaid (Most probably Maliki) and so they complained to the ruler of Andalus at the time. Allaah aided this blessed call and Imaam Baqee's call overpowered with the Aid of Allaah and hence the teaching and knowledge of Hadeeth spread in Andalus.

Similalry Imaam Ibn Hazm mentions Imaam Baqee would teach Musannaf Ibn Abee Shaybah and some people of Rayy ie the people of opinion who historically have been adjoined and considered to be hanafis complained to the ruler at the time. Similarly such Hanafis or Ahlur Rayy caused dissent and discord amongst the people against Imaam Baqee.

The ruler at the time was a learned man ie Muhammad bin Abdur Rahman who told to people to leave Imaam Baqee also and then instructed him to continue teaching and preaching the Prophetic Ahadeeth, thereafter Ahlur Rayy stopped pestering and bothering him.(refer to Taareekh Ulama Andalus (1/92), *Siyar alA'laam an-Nabula* (12/286) onwards of Imaam Dhahabee)

So this example illustrates how the Maliki and Hanafi Ahlur Rayy madhab were enforced and heavily propagated by scaring the people

and those who preached anything contrary. Non madhabis would be hounded, pestered and complained about, to the government.

Imaam Baqee Ibn Mukhlad did not follow a particular or specific madhab and his methodology was a universal one which still exists today ie just following the a Quraan and Hadeeth without being limited by a madhab. For example Qaasim Ibn Asbag who was a Maliki narrates that Asbag bin Khaleel who was an extremely bigoted Maliki and severely engrossed in madhabee partisanship would warn Qaasim bin Asbag not to listen to Hadeeth from Baqee Ibn Mukhlad.

He would also say that it would be more beneficial for a pig to be placed on his bier than *Musannaf Ibn Abee Shaybah* be placed in it. The reason for this was because *the Musannaf of Ibn Shaybah* contained narrations that rendered some Maliki (and Hanafi) views and juristic decisions to be futile, null and void. (*Siyar al-A'laam an-Nabula (13/302) al-Ei'tisaam (2/348)*)

Both Haafidh Ibn Katheer and his teacher Imaam Dhahabee mention the ruler of Misr at one time was Afdhal bin Salaah ud deen Azeez and just before his death in around 595H he intended to banish and expel the Hanaabillah and the followers of the other madhaahib from Misr. Some historian have cited this was due to Afdhal bin Salaah ud deen Azeez having Hanafi roots. (*Refer to al-Bidaayah Wan-Nihaayah (13/218) and Siyar al-A'laam an-Nabula (21/463)*)

Haafidh Ibn Katheer and Imaam Dhahabee also mention the trial and tribulation that befell Haafidh Abdul Ghaneer al-Maqdisee. In and around 595H again The grand masjid in Damascus known as Jaam'e Amawee had 4 Musallahs, one for each Madhab. Haafidh Abdul Ghaneer al-Maqdisee would deliver his lectures at the Hanbalee Musallah on the issue of Asmaa Was Sifaat of Allaah and Aqeedah in general.

Some of the followers of the other madhabs like Qadhee Ibn at-Turkee and Dhiyaa ud deen Khateeb ad-Daula'ee could not fathom this because they differed with him on Aqeedah as well as Fiqh as they were from different madhabs. In light of this they went to see the ruler at the time who was Saarim ud deen Barghash. A debate on the issues of Aqeedah was organised and Haafidh Abdul Ghaneer al-Maqdisee debated all of them ferociously. No doubt the opposers were followers of the other madhabs and were Asharee in Aqeedah.

When Haafidh Abdul Ghaneer al-Maqdisee defeated them and the Asharees and followers of the other madhabs pushed Ameer Saarim ud deen Barghash further who in the end expelled and forced Haafidh Abdul Ghaneer al-Maqdisee into exile. The people were ordered to destroy the Minbar of the Hanbalis, their books and literature were thrown out and on the same day there was no Dhuhur prayer for the Hanbalis.

Likewise and similarly they were banned and prohibited from teaching in Jaam'e Amwae and a lot of discord and dissention occurred as a result of this argumentative and quarrelsome period. (Refer to *al-Bidaayah Wan-Nihaayah* (13/218) and *Siyar al-A'laam an-Nabula* (21/463))

Some historians mention Haafidh Dhiyaa al-Maqdisi, the author of the book of Hadeeth known as al-Mukhtarah was once going through and reading Imaam Uqailee's *adh-Dhu'afah* to the public in Mosul, which is in present day Iraq. The people of Mosul captured Dhiyaa al-Maqdisi and put him in jail and wanted to eventually kill him.

The reason for this was because Imaam Uqailee's *adh-Dhu'afah* had some statements disparaging the integrity of Imaam Abu Haneefah. Such was the case that whilst in jail the executioner was about to kill Dhiyaa al-Maqdisi when at the last minute he was told to stop. Later it transpired that Haafidh Barnee had ripped the pages in question disparaging Imaam Abu Hanfeeah from Imaam Uqailee's book and therefore in this Haafidh Dhiyaa al-Maqdisi was spared.

Ahmad Ibn Dawood was the Chief Justice of his era ie the Qadhee tul-Qadhaa. Ahmad Ibn Dawood was well known for his animosity against Imaam Ahmad Ibn Hanbal in being the chief proponent and opposition to Imaam Ahmad on the issue of the creation of the Quraan. Imaam Ahmad had to suffer greatly at the injustice and

partisanship of Ahmad Ibn Dawood who was a mutazilee Jahmee yet a Hanafi in jurisprudence.

He has spearheaded a vehement onslaught on the Aqeedah of Ahlus Sunnah Wal Jama'ah regarding the creation of the Quraan and negation of the Sifaat. Yet he was a Hanafi, later historians and islamic intellectual authors have cited Ahmad Ibn Dawood was a staunch bigoted Hanafi and further opposed Imaam Ahmad Ibn Hanbal due to his jurisprudence and Imaam Ahmad's firm stance on taking ahadeeth over opinion and staunch partisanship madhabism.

As mentioned Qadhee Ahmad Ibn Dawood was the chief Qadhi of his era and in addition to promoting Aqeedah contradicting Ahlus Sunnahs he would also forcefully impose Hanafi jurisprudence throughout the era he was the Chief Justice off. (*Refer to ad-Daleel A'la Butlan at-Tahleel Wa Manaazil al-Ai'mah tul-Arba'a of Shaikh Silmaasee*)

Shaikh Ibn Khalkaan mentions when Yahyaa Ibn Yahyaa al-Laithee al-Masmoodee came to Andalus the state gave him immense respect and honour in that he was made head of the scholars and the Islamic affairs, so much so that he established and spread the Maliki madhab. (*Refer to Wafyaat al-A'yaan (6/144)*)

Shaikh Ibn Khalkaan has also cited that Imaam Ibn Hazm has very clearly and manifestly stated that 2 madhabs were spread by state

imposition and those in authority or in leadership, the Hanafi and Maliki Madhab.

(1) Imam Abu Yoosuf was one of the main student of Imam Abu Haneefah who during his time was made the chief Judge. During his era all judgements would come via him and no doubt they would be based on the Hanafi madhab. Such a state existed from the Far East all the way to the furthest frontiers of Africa and Imam Abu Yoosuf would give positions to his students, companions and those associated to the Hanafi madhab in local law courts and as judges.

(2) The Maliki madhab spread in Andalus and what is current day Spain which is colloquially known as Maghrib which also includes some of the North African States. As already mentioned Yahyaa Ibn Yahyaa al-Laithee spread the Maliki madhab in those regions as he was close and favoured by the ruler of his era. All judgements would go through him and his word would be final in such religious affairs. In addition no judge would be appointed in the whole of Andalus without his permission and he would also only advise that his students, companions and those belonging to his madhab be appointed at such positions as judges etc.

Many people wanting to achieve success and benefit in this world and would therefore flee and rush towards the Maliki madhab to gain this benefit. However it must be noted Yahyaa Ibn Yahyaa al-Laithee

did not himself accept the position of being a judge and this is also the reason why he was respected and revered more by the government of Arbab. (Refer to *Wafyaat al-A'yaan* (6/144))

Imaam Ibn Hazm discusses this in great depth and detail monumental book '*al-Ahkhaam Fee Usool al-Ahkaam*' (1/575-576) so please refer to it.

Shaikh Ibn Humaam, the well known Hanafi jurist said, "Abul Yasr said it is impermissible for a Hanafi to pray behind a Shafiee and the reason for this is due to what Makhool an-Nasafee wrote in his book 'ash-Sha'aa'a' that raising the hands whilst going into ruku and rising from it invalidates the prayer because this is an excessive action. Qadhee Khan only allows its permissibility on the condition that the Shafiee is not staunch bigot and that he does not doubt his eemaan. (Refer to *Ibn Humaams Fath ul-Qadeer* (1/31))

We ask is this not imposing and scaremongering the people in saying that that prayer is not valid behind a Shafiee, who in their right mind would want to be a Shafiee or even contemplate being one, knowing very well any prayer behind him would be invalid. Is this not a type of enforcing a madhab on the people by instilling the fear of consequence and reprimand? Of course it is.

On the other end of the spectrum Imaam al-Haramain al-Juwainee who was a Shafiee would vehemently oppose and talk about imam Abu Haneefah and he would say if the prayer which Abu Haneefah held to be permissible was ever shown to a normal person he would never accept it. Whereas the prayer is a pillar of the deen and as their Aqeedah with regards to the prayer is null and void this clarifies and makes the futility of their madhab manifest. (*Refer to Mugeeth al-Khalq (pg.59)*)

So now who would want to be a Hanafi when the Imaam of the Haram, Imaam al-Juwainee is effectively saying the prayer of the hanafis is invalid and because this is the case their belief regarding the prayer which is a pillar of the deen is defective, it in turn leads to the notion of the whole hanafi madhab being futile!!! Is this not partisanship being imposed and propogated as the only right way and also being enforced on the people as to show only the Shafiees prayer correctly.

Imaam Bukhaari's *Saheeh al-Bukhaari* is the most authentic book after the book of Allaah in fact numerous scholars of Hadeeth have cited and mentioned unanimous agreement ie Ijmaa that all of the Hadeeth in Bukhaari are all authentic. Despite this, look at what a staunch and bigoted Hanafi by the name of Abu Yoosuf bin Moosaa bin Muhammad bin Abee Takeen al-Maltee and then Halabee famously said, "Whoever looks at (ie reads) Bukhaari has become a zindeeq (ie a heretic)" (*Ambaa al-Ghamr Ba Ambaa al-Umar (4/448)*).

Is this also not scaring the people from reading Bukhaari? Who would want to become a zindeeq ie heretic? No one. This is enforcing partisanship in reversing the understanding ie the one who looks at the prophets hadeeth is a zindeeq therefore remain a Hanafi!!!

From the later scholars Mulla Ali Qari Hanafi cited what the author of *Kaidaani* said that the 10th haram or unlawful thing to do in the prayer like the Ahlul Hadeeth do is the moving and pointing of the finger. This is the practise of those who follow the Hadeeth. *(Cited by Shaikh Rasheed Ridha in his introduction to the al-Mughni (1/20).*

Is this not enforcing a madhab based on partisanship and sheer neglect and disregard of scholarly foresight and differences. How unfair and unjust is it to say following any of the madhabs is correct yet at the same instance we have such confrontational bigoted statements that indicate that only one madhab is actually really correct according to them.

Shaikh Abdul Hayy Lucknowi 1307H mentions another a reason of bigoted partisanship was fabrication of Hadeeth to promote ones madhab. He mentions about Mamoon al-Harawi, who was Hanafi) fabricated a Hadeeth which allegedly mentioned the invalidation of the prayer of the individual who raised his (before and after ruku) and reciting Fatihah behind the Imaam. He also fabricated ahadeeth in the censure and disparagement of Imaam Shaafi'ee and in praise and veneration of Imam Abu Haneefah. *(Refer to at-Tawaam al-Mar'ashah (pg.67)*

The well known and hugely followed Hanafi madhab was enforced and spread via the state and in this regard also imposed on the masses. The government of that time was mutazili and Jahmi in belief and manifested itself at the state level in around after the second century. The state was under the rulership of Mamoona Rashid who began his rulership around 198H but manifested and propagated his mutazili and Jahmi beliefs around 212H.

This mutazili and jahmi government lasted and ruled for approximately 40 years and during this period its heads and leaders worked emphatically and vigorously to spread their beliefs and madhab in terms of Aqeedah.

*End of part 1.....To Be Continued.....inshaAllaah*