
The Evil Consequences of
Tagleed, Hizbiyyah
and *Partisanship*



PART 8

Madhabs Refined By 100's Of Scholars

By

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Part 8 – Madhabs Refined By 100's Of Scholars

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*Alhamdulillahilahi Rabbil A'lamin, Wasalatu Wasalam Ala Rasoolillahil Karim,
Wa, Ba'd*

4) The scholar always refers back to Imam Abu Hanifa for example, as the one people turn to, however, didnt his as well as other methodologies and schools of thought encompass not one, but hundreds if not thousands of scholars from inception, refining the rulings? So to emphasise the turning to the Imam, specifically, isnt correct because it overlooks the contributions that hundreds and thousands of scholars made right?

ANSWER

Part 2

Another problem with this idea is that some of the scholars who have been attributed to these madhabs or are well known to be associated with these madhabs were mujtahids in their own right. Therefore their alleged contributions and additions to the said madhab are questionable and controversial to say the least. For example Imam Qurtubi says about Imam Ibn Abdul Barr that he was a Mujtahid (*ar-Radd Ala Min Akhlad pg.190*)

However he is considered to be pivotal Imam in the Maliki madhab. So how can a Mujtahid be refining and following a madhab. Likewise Imam Dhahabi mentions about Imam Abu Bakr Ibn al-

Arabi that he was also a Mujtahid (*Tadhkiratul Huffadh 4/1296 and Siyar al-A'lam an-Nabula 20/201*).

The same was said concerning Allamah Ibn Qudamah, that he was a Hanbali but Imam Dhahabi said he was a Mujtahid and he cites from Ibn Ghunniyah that he said no one in our times other than him reached the level of a Mujtahid. This also follows on that attributing certain Imams and scholars to be from the Muqallideen of a madhab, is absolutely and entirely incorrect.

From them is Imam Shatibi, there are those who have attempted to restrict him to a madhab, however this is nothing but an imaginative stretch of their wishful thinking. Imam Shatibi for example obliterated and annihilated the arguments and concept of Taqlid in the second volume of his monumental and ground breaking book *al-Ei'tisam* and cited at least 10 harms and dangers of Taqlid.

We have the likes of Imams Zuhri, Sha'bi, A'ta, Tawus, Hasan al-Basri, Ibn Seereen, Makhool, Awzai, Ibrahim an-Nakhi, Hamad, Sufyan Thawri, Ibn Abi Layla, Rabi'a, Laith Ibn Sa'd, Ibn Mubarak, Ishaq ibn Rahawaihah amongst others who were all scholars and Imams in their own right.

We also know there were other madhabs which were less widespread. This also emphasises the point that some madhabs were forced via various means as we have cited in part 1,2 and 3.

So when this was the case it makes sense that other madhabs and the opinions of other mujtahids would diminish. However we know that there were some scholars who were more knowledgeable and more faqihs than the four Imams but their schools diminished.

For example Imam Shafis said, “*Imam Laith ibn Sa’ad was more of a faqih than Imam Malik.*” And Imam Ibn Bakir also said the same.” (*Refer to Tahdhib ut-Tahdhib 8/463*)

However, extreme partisanship for ones madhab led the late Hanafi Deobandi scholar Anwar Shah Kashmiri to declare Imam Laith Ibn Sa’ad a Hanafi. (*Refer to his Faidh al-Bari 1/178, 301*)

This list also includes numerous others and to enumerate all of them here would take an age, from them were the likes of Imams of Ahlus Sunnah, Ibn Jair at-Tabari, Bukhari, Abu Dawud, Ibn Khuzaimah, Abu Thawr and Baqi ibn Mukhlad (*refer to the general books of Tabaqat like Tadhkaritaul Huffadh*) and Imam Dhahabi also has composed an extensive long list of the mujtahids in his *Siyar A’lam an-Nabula (8/81 and 9/52)*

Shaikh Sakhawi in '*adh-Dhuw al-Laam'e*' also includes numerous entries of mujtahids and Imam Shawkani's also cites on many occasions that so and o was not upon taqlid in his '*al-Badr al-Taal'e*'

Imam Suyuti has also done the same he establishes the following chapter, "THE MENTIONING THE IMAMS OF IJTIHAD (Mujtahideen)." And then extends a long list of 77 mujtahids from the time of the tabieen to his era. (*Refer to his Hasan al-Mahadhirah 1/161*)

Imam Suyuti further states in his fatawa "Numerous mujtahids have passed through the various eras in addition to the numerous mujtahids after the time of the tabieen. There were 10 madhabs that were prevalent. So in addition to the four madhabs we have the Madhab Sufyan ath-Thawri, Madhab Awzai, Madhab Laith ibn Sa'ad, Madhab Ishaq ibn Rahawaihah, Madhab Ibn Jarir and the Madhab of Dawud. However after thr 5th century due to the lack of fervour, motivation and rejuvenation these other madhabs diminished." (*al-Hawi Lil-Fatawa 2/156 of Imam Suyuti*)

And the Imam al-Allamah Ibn Hazm authored a specific treatise, a risalah of the names of the scholars who were mujtahids and issued edicts in which he cites from the time of the companions to his era. So he lists 21 such mujtahids in Makkah, 60 in Madinah, 31 in Sham (Ya Allaah destroy the Rafidah Shia, Ameen), 97 in Basrah, 91 of Kufah, 19 of Misr

and 44 in other lands and areas. *(This Risalah is published with Imam Hazms book, 'Jawameh as-Siyar')*

We also have Allamah Suyuti who himself claimed to be a Mujtahid mutlaq and authored his pivotal awe inspiring book, elucidating that ijtihaad exists in every era and this is on going and he titled it, '*ar-Radd Ala Min Akhlad Ilal Ardh Wa Jahl Innal Ijtihad Fi Kulli Asr Fardh*', therein he says, "The people who say Mujtahid mutlaqs were only in the olden times and now we only have mujtahids, then they are wrong and they have no knowledge of the clarifications of the scholars."

Shaikh ul-Islam Ibn Taymiyyah said, "Imam Sufyan ath-Thawri who was an Imam of the people of Iraq and according to most of the scholars was greater in rank than the scholars of his era like Ibn Abi Layla, Hasan bin Saleh and Abu Haneefah. His madhab is present today in Khurasan. Likewise the madhab of Imams Ishaq ibn Rahawaihah and Dawud (adh-Dhahiri) is also prevalent today, in fact in the east and the west you will find that most of the followers are of the Dawudi madhab." *(al-Fatawa al-Kubra 2/374)*

Also dear readers bear in mind that Imam Ibn Taymiyyah died in 728H and he is saying that you will find people upon other madhabs, so this shows the people were not confined to these madhabs even in the 8th century of Islam.

There are a numerous reasons as to why some of these madhabs diminished and became extinct and looking at them would lengthen the discussion, if Allah wills we can pen this at a different time InshaAllaah.

Mas'ood bin Shaybah Sindhi, who was a staunch author and from amongst 7th century hanafi scholars mentioned most of the people of Rauzrawar, Yazjard, Juzbazkan (central asia) and some of the people Hamdan are upon the madhab of of Thawri. (*Muqaddimah Kitab at-Ta'lim pg.331*)

Shaikh Abdul Hayy Lucknowi said about Imam Tahawi that, "He had the right to chose in the usool and furoo (in the principles and subsidiairy issues)." (*an-Naf'e al-Kabir pg.100*) and Maulana Anwar Shah Kashmiri said, "Tahawi was a Mujtahid and a Mujaddid." (*al-Urf adh-Shadhi pg.45*)

In a discussion with Qadhi Abu Ubaid bin Jarthumah regarding an issue, Imam Tahawi said, "Not every statement of Abu Haneefah is my statement? (or opinion). So Qadhi Abu Ubaid said, "I thought you were a muqallid." To which Imam Tahawi replied, "Only a sinner and stupid person does taqlid." (*Lisaan ul-Mizaan 1/280*)

So the confusion upon delusion here is the claim that the scholars refined the madhabs. However we find the same eminent hanafi scholars saying the scholars were mujtahids and then they say a mujtahid is

not a muqallid but rather he has his ijtiḥad and it is therefore haram for him to be a muqallid but at the same time, the latter day muqallids are saying they refined a madhab!!! How contradictory and confusing is this.

It is also known that Junaid Baghdadi would pass verdicts based on the madhab of Imam Abu Thawr (*Tarikh Baghdad* 7/242).

Now here some will argue and they have been arguing for centuries that some scholars and Imams are Mujtahid Mustaqil ie derive their own principles. However the question that arises here who is a Mujtahid mutlaq, ie the one who derives based on the rules and principles of another imam and likewise who is a Mujtahid Mustaqil.

In essence and in reality all of these are derivations and interpretations of humans and not divine. So therefore how can we now take that the scholars refined and correct rulings within a madhab when we don't know what their status was and we are not denying their knowledge, may Allaah have mercy on all of them. Ameen

Also what shows that the scholars and Imams were capable of making ijtiḥad and were not upon the madhabs as we see, was the harm of society and the ill effect it would have on them and likewise they were not refining the madhab as we know it.

The people would go to these scholars hoping they would give them Fatawa based on the madhabs and if the scholars attempted to make their ijtihaad the people would not take it from them. Also during history and the various times the administration was also at times unfavourable and forceful and hence the scholars would just continue with what they knew.

The student of Shaikh Balqaini asked him what prohibits Shaikh Taqi ud deen as-Subki from doing ijtihaad (and here it means of the *Mustaqil* or *mutlaq* type) whereas he has the capability and knowledge. The student also thought that Shaikh Balqaini was also of the same level and so whatever answers he gives I will also assume that to be his own reasons also.

However Shaikh Balqaini remained silent. So the student himself said, may be he thought it was inappropriate and this ijtihaad was restricted to the 4 madhabs and those who left these 4 madhabs and performed ijtihaad, they would not achieve anything because the people would abandon and not take Fatawa from them and at the same instance label them to be innovators. Then Shaikh Balqaini smiled upon my clarification and agreed with me. (*Refer to Shaikh Shah Waliullahs al-Insaf Fee Bayan Sabab al-Ikhtilaf pg.60-61*)

Sometimes these scholars would learn, follow or sympathise with madhab and then later they would adopt the Quran and Sunnah and abandon the madhab, but yet their name would still be included as one of the refiners of the madhab or its follower.

Allamah Sh'arani mentions some examples of this with regards Shaikh Abdul Qadir Jilani and others who had reached their own level of Ilm but the people would still use the terms of the madhabs for them. (*al-Meezan al-Kubra* 1/47)

Another instance this occurs or when people think there were so many scholars refining a madhab when in reality there were very little and the main reason for people thinking they were followers of a madhab or they helped refine them, was because most often their ijtihaad and their Fatawa coincided and were synonymous with the Fatawa of a particular madhab.

For example it is famous about Imam Ibn Taymiyyah that he was a hanbali, however he said, "Whatever I take from the madhab of Imam Ahmad I take on the basis of knowing the evidence and not on the basis of Taqlid." (*Refer to ar-Radd Ala min Akhlad pg.166 and also A'lam al-Muwaqqi'een*)

The well known scholar and researching scholar of the Ahnaf, Shaikh Abdul Hayy Lucknowi said, "That Abu Bakr al-Qaffal, Abu Ali and

Qadhi Hussain were said to be from the Shafis but they themselves said we are not the muqallids of Imam Shafi but rather our opinions (ie ijtiḥad) concur and coincide with Imam Shafis." (*an-Nafe al-Kabir* pg.100).

Adding to this further Imam Nawawi cited from Imam Abu Ishaq Shairazi who said, "Most of the (so called) Shafis ijtiḥad agreed with Imam Shafis ijtiḥad and not because they did Taqlid of him (this is why they were labelled as Shafis)." Then he cites the statement of Shaikh Abu Ali as-Sinji who said, "We follow Shafis and not others because we found his statement to be the most correct and the one that had most precedence and not because we did Taqlid of him." (*Refer to al-Majmoo'a Sharh al-Muhazzab* 1/73).

Shaikh Shah Waliullah said the same concerning Imams Nasai and Baihaqi that their ijtiḥad concurred with that of Imam Shafi and so just because on this basis the people said they were Shafis. (*Hujjatullah al-Balighah* 1/153)

So there we have it, half the times these so called refiners agreed with the verdict of the imam based on the evidences and not because they were Muqallids. This therefore nullifies this notion that all if not half of the scholars refined and correct the rulings.

It is known that the likes of Imams, Muzani, Ibn Khuzaimah, Abu Thawr, Muhammad Nasr al-Marwazi, Abu Ubaid Qasim bin Salam

and Imam Ibn Jarir at-Tabari were from amongst the mujtahideen and major scholars in their own right but look they were included in Tabaqaat ash-Shafiiyyah as if they were Shaafites, just because most of their rulings and ijtihaad agreed with imam Shafis.

Another example is what Shaikh Abdul Hayy Lucknowi has cited by Imam Tahawi to be in the same situation and this is how he was a Hanafi or known to be a Hanafi, meaning that his his rulings and verdicts coincided with the Hanafi madhab because in reality he differed with Abu Haneefah in numerous issues of usool and furoo. (*Refer to an-Nafe al-Kabir pg.100, Shaikh Sha'arani has also cited the same about these authorities in his al-Mizan al-Kubra 1/23, as does Shaikh Shah Waliullah in his al-Insaf pg.67 and his masterpiece al-Hujjatullah al-Baalighah 1/153*)

Shaikh Suyuti mentions the same situations with regards to Ibn Sabbagh, Ibn Abdus Salam, Ibn Daqiq, Subki and Balqaini and said the people knew they were mujtahids but were attributed to the Shafi madhab and likewise they would teach in Shafi institutes of learning. So because all of them were mujtahids they would not see any harm in being attributed to a particular madhab. (*ar-Radd Ala Akhlad pg.167-168*).

The readers might at this instance say, well how about the Tabaqaat fro each madhab, like Tabaqaat Hanafiiyyah, Tabaqat Malikiyyah, Tabaqat Shafiiyyah and Tabaqat Hanabillah and the scholars have been

cited in them and so how can you say the madhabs were just attributed to them. Well just because a scholar has been mentioned in one of these Tabaqats this is not evidence they were Muqallids and hence refined the madhab.

For example the hanafis do not speak favourably about Imam Nu'aym bin Hammad but you will see that he has been added to the Hanafi Tabaqat by Shaikh Qurashi.

Also to our our amazement Imam Shafi has been included in Tabaqat Malikiyah, Imam Ahmad bin Hanbal and Imam Ishaq Ibn Rahawaihah have been added to Tabaqat Shafiyyah and Imams Laith ibn Sad, Imam Sufyan ath-Thawri, Imam Ibn Uyainah have been added to Tabaqat Hanafiyyah. Both the Hanafis and Malikis have added Imam Abdullah Ibn Mubarak to their respective Tabaqats.

What is astonishing and also at the same instance hilarious, is what Muhammad Zahid Hussain Kawthari said. He effectively and unwittingly affirms our point of argument in that he rebukes Subki and says he included people in his *Tabaqat Shafiyyah* who just even gave Salam to Imam Shafi or those who heard just one statement from him and indeed this approach is very bad. (*Refer to his Ahqaq al-Haq pg.64*).

However this approach is not just restricted to *Tabaqat Shafiyyah* in fact this approach and method was employed by all of the madhabs in order to increase their numbers and give their madhab more credibility and fame.

So all of this refining just in order to increase the numbers. indeed is not a numbers game or claim to fame. So when this is the situation with these *Tabaqat* and the scholars who belonged to these madhabs, can we now really say who really belonged to them and who actually did any refining or fine tuning.

The question itself is contradictory because it is suggesting that you don't follow the imam or the founding fathers but all the refining scholars, which is impractical.

In fact out right impossible as there is no way possible on this earth that a Muqallids or follower of that madhab will have ability and knowledge to follow what the refining scholars said. In essence this is the main point, that when your following a madhab you don't know whose ijtehad you are following.

It would be most pertinent to mention the statement of Imam Malik here who said, *"The truth is always one and two differing statements are*

never correct because the truth and what is correct is one and Ibn Shahb said Laith (Ibn Sa'ad) also said the same." (*Jami Bayan al-Ilm Wa Fadhlili* 2/88-89)

By the two who are in need of the Mercy of his Lord, May Allah forgive us. Ameen

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