
The Evil Consequences of
Tagleed, Hizbiyyah
and *Partisanship*



PART 9

Madhabs Refined By 100's Of Scholars

By

Abu Hibbaan & Abu Khuzaimah Ansaari

www.Ahlulhadeeth.wordpress.com



The Evil Consequences of Taqleed, Hizbiyyah and Partisanship

Part 9 – Madhabs Refined By 100's Of Scholars

1st Edn. © Maktabah Ashaabul Hadeeth & Makatabah Imaam Badee ud deen

Rajab 1435H / May 2014ce

All rights reserved No part of this book may be reprinted or reproduced Or utilized in any form or by any electronic, mechanical, or other means, Now known or hereafter invented, including photocopying and recording, without prior Permission from the publishers or authors.

Published by



In conjunction with

www.Ablulhadeeth.wordpress.com

*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 3

Shaikh Anwar Shah Kashmir Deobandi Hanafi has admitted the books of the hanafi madhab include the issue that if the hanafis and shafis are debating in the month of Ramadhan and they feel or think they are weak due to energy, then it is permissible for them to break their fast in order to debate with the shafis.

No doubt Maulana Anwar Shah refuted his notion but the question and issue is, how long was this allowed in the hanafi madhab and was this also done in the name of the refining of hundreds of scholars, corrections and bigotry towards ones madhab that even the command of Allah can be refined. Astagfirullah. (*Refer to Faidh al-Bari 2/196*)

Let us look at another example at why this refining not only does not work, but it lands a follower in more grave danger and severe problems.

For example Shaikh Hussain Ali who was from the students of Maulana Rashid Ahmad Gangohi Deobandi Hanafi and the teacher of the another revered Deobandi Hanafi scholar, Ghulamullah Khan, so effectively from this century or you could argue in the 21st century, they said about Raf ul-Yadain that it is not established from the Messenger of Allah (Sallallahu Alayhee Wasallam) let alone it being abrogated.

Now this is allegedly and the supposed refining we thought was going on. The older Hanafi scholars opined that Raf ul-Yadain was abrogated and no doubt they are mistaken and have erred on this point, al-Muhim the point here is that they concluded it was abrogated.

From them include Imam Tahawi, Shaikh Ibn Humam, Shaikh Kasani, Shaikh Ayni who ranged from the 5 century onwards and now based on centuries of scholarship instead of admitting that Raf ul-Yadain was an established practiced this refining has reversed and gone backwards.

Also most of the scholars of Ahlus Sunnah said Raf ul-Yadain is mutawatir and it should be noted the eminent Hanafi scholars from the

likes of Shaikh Abdul Hayy Lucknowi, Shaikh Anwar Shah Kashmiri and Maulana Badr Alam all concluded that Raf ul-Yadain was mutawatir also.

Yet however at the same instance in the 13th century, Abdul Lateef Thathwi Hanafi also gave his own figurative explanations for Raf ul-Yadain and giving all sorts of answers to it in his (*Dhab Dhababat ad-Dirasat* (1/585))

So there was and there still is this tahazzub, partisanship and sectarianism, this refining and fine tuning is just a myth. So when they did do any refining or clarifications it seemed to have fallen on deaf ears and blind eyes.

For example as it relates during the time of Shaikh Abu Bakr al-Jurjani, a Hanafi man wanted to marry a woman from amongst the Ahlul Hadeeth, so he asked her father, who stipulated the condition that he should recite Fatihah behind the Imam and raise his hands as he went into ruku. So the man ended up doing this.

Shaikh Abu Bakr al-Jurjani said although the nikah is valid but at the time of the transition, he may have been without Iman. So if he abandoned his former madhab to become Ahlul Hadeeth based on evidences, then there is no harm in this in fact this is recommended. (*Radd al-Mukhtar* 4/249)

Another example of this fine scholarship, academic contribution and refining of the madhab is the example of the issue of one witr as occurs in the authentic ahadeeth. Now we know the hadeeth is authentic and this has been accepted by the hanafi elders, but how come the hanaf don't act upon this hadeeth.

This issue of refining is leaving so many hanafis abandoning this hadeeth and Sunnah, is this what refinement does to a madhab that after 1400 years we can not still act on an authentic hadeeth. We say, what is the use of such academia and scholastism!

Shaikh Anwar Shah Kashmiri says, *“For verily I spent nearly 14 years pondering and thinking of a satisfactory answer for this (hadeeth which mentions 1 rakah for witr).” (Refer to Urf ash-Shadhi pg.215 and also his Faidh al-Bari 2/375)*

So here we ask what kind of scholastic refining is this, is this not opening the doors to denying and rejecting ahadeeth and each and every individual will be responsible for his own actions. One can not deny or hide the behind excuse that I just did taqlid of the Imams or my Imam or scholars!

The scholars have specified when you hear a fatwa of a mujtahid and it is correct, then acting upon it is permissible.

hence Shaikh Bahr al-Uloom writes in his explanation of '*Sharh Muslim ath-Thabut*', "If you come across a correct statement of a mujtahid, it is permissible to act upon it, do you not know that the later (Mutakhireen) scholars issued verdicts on the statement (opinion/ijtihad) of Ibn Abi Layla in the instance of taking an oath from a witness." (*Fawateh ar-Rahmut Sharh Muslim ath-Thabut 2/407*)

So this refining was on the ijtihaad and fatwa of Ibn Abi Layla and if this is the case how can the people say we follow the hanafi madhab.

This example and numerous others we have cited indicate that the madhabs were formed in this way with a whole array of opinions and ijtihaad which is not what Allah obligated upon us. The obligation upon us is to follow that which Allah revealed, ie the Quran and Hadith.

Dear readers let us not be from amongst those who deny ahadeeth just in the name of scholastic refining as there will be no excuse before Allah and when his Messenger is standing at the pool.

How can we forget the famous and well known principles that were formulated in defence of the hanafi madhab, its rulings and positions all in the name of refining for blind bigoted fanatasicm.

Abu al-Hasan al-Karkhi said, *“Every Ayah, which is in opposition to the statement of our companions (ie followers of the hanafi madhab) should be taken as abrogated or given precedence over but it is better to figuratively explain it away. The same is for every Hadeeth which opposes the statement of our companions (ie the hanafi madhab), it will be left to be abrogated and it will be understood there is a similar contradictory text. Then the evidence our madhab has used will be looked at and it wil be given precedence over this conflicting text.”* (Usool al-Karkhi pg.8 and pg.29 respectively and also pg.373 printed with Usool al-Bazdawi)

Subhanallah so these are the principles have been set up to refine and fine tune the hanafi madhab, no dout this and other such principles are a means and tools that have been innovatively formulated to fight and oppose the Quran and Sunnah.

This again is another deprived and grave statement becaue there is no way possible to look at these principles in a positive light at all and all those who fail to comprehend this need to stand back and wash away their stubbornness and arrogance coupled with blind fanatical bigoted staunch partisanship. May Allaah save us from this, Ameen.

There are also some very ignorant individuals who post on deceptive forums coining our name of Ahlul hadeeth, who have the sheer depravity to say why do we look at this in a negative way, there are also a number of positive interpretations!!!

Or those lost, confused and narrow minded individuals who have in recent times unleashed a wave of spider web based arguments in their vile attack of the Ahlul Hadeeth. Where they utter and repeat like parrots, what are the usool of the Ahlul Hadeeth. InshaAllah and indeed this will be replied to very soon.

So we have spoken about how blind fanaticism, partisanship and staunch bigotry has lead to a whole host of problems within madhab and with other madhabs. However most of these issues were pertaining to issues of fiqh.

The mujtahideen and righteous scholars had no problem in changing their opinions and stances on a whole array issues and this spread across a vast spectrum of rulings but the muqallideen, especially the current day ones have looked at this as something censurable and blameworthy.

For example in the hanafi madhab, we have the issue of the Dhimmi (a disbeliever residing in a muslim country) that if we was to

swear or abuse the Messenger of Allaah (Sallallahu Alayhi Wasallam) there is no punishment upon him and his covenant with the Muslim rule does not break.

The famous Hanafi jurist, Allamah ibn Najeem writes in this regard, “The soul of a believer is inclined and disposes towards the position of the Mukhalif (ie the opposers, opponents and in this case the Shafis [and the Ahlul Hadeeth and Saalfis] who establish a punishment on such an individual ie qatl) BUT IT IS OBLIGATORY UPON US TO FOLLOW OUR MADHAB.” (*al-Bahr ur-Raiq* 5/135).

Meaning we don't like the position in our madhab but following the false opinion and position is obligatory upon us as this is what our madhab necessitates upon us.

It is most pertinent to ask here what refining are the scholars doing since the inception of the madhab, when even in issues of Aqidah they can not leave their madhab. This is not refining, this is misguidance!!!

This is another example that renders the principle and concept mentioned in the question to be null, void and futile. This is because the shackles and chains of taqlid, partisanship and sectarianism can never come off and this is why there is no refining and correction.

In the issue mentioned above about cursing and swearing to the Messenger of Allaah (Sallallahu Alayhi Wasallam) the hanafi scholar Allamah Ibn Humam disagreed and differed in many issues of the hanafi madhab and he also does so in this issue of swearing to the Messenger of Allah (Sallallahu Alayhi Wasallam) *(as he has mentioned in his book Fath ul-Qadeer 4/381).*

The point here is that we have been talking about refining, correcting the rulings and positions of a madhab. So in this instance of swearing to the Messenger of Allah (Sallallahu Alayhi Wasallam), it is shocking to know that in the name of this alleged and supposed refining Shaikh Ibn Najeem discusses this issue and totally ignores and overlooks the position of Shaikh Ibn Humams on this issue as if it never existed or was unimportant!!! Somehting to think about.

He cites from his student Qasim bin Qutlubugha who said, *“This discussions and assertions of our Shaikh (ie Shaikh Ibn Humam) which are contrary and in contradiction to our madhab should not be acted upon.” (al-Bahr ur-Raiq 5/125 and Rasail Ibn Abidin 1/24)*

So the example above is another yet another one that shows there was very little refinement Shaikh Abdul Hayy Lucknowi, the researching scholar of the Hanafis also repels and rebuts this understanding of the refining of the madhabs and in fact elucidates that

the followers including the scholars of the madhabs were mutassub and bigoted.

He says, “A taifah (ie a whole group) of the hanafis are engrossed in tassub (ie partisanship – hizbiyyah) and this partisanship is extreme. They are heavily engrossed in pushing fatawa, even if an authentic hadeeth or clear contradicts it (ie the fatawa). They think if the hadeeth was authentic the Imam would have acted upon it and would not have issued a verdict in contradicting it, this is indeed clear ignorance from them.” (*an-Naf'e al-Kabir* pg.135)

We have already mentioned this before, but again it is pertinent to be mentioned here. There are also other differences in which they have shown extreme bigotry and scare monging tactics and thereby strongly refuting and rebuking the opinions of the other madhabs.

For instance the one Hanafi elder and scholar, ie Shaikh Abdullah Balkhi said, “Whoever recites Fatihah behind the Imam, force soil into his mouth, and if not then break his teeth.” He also issued an edict that the one who recites fatihah behind the Imam then his is a fasiq and someone who does something haram. (*Refer to Durr alMukhtar 1/544 and Fath ul-Qadeer 1/240*)

What impression and understanding does this give the hanafi muqallid with regards to the other madhabs and people who believe one

must recite fatihah behind the Imam, how comfortable would they feel if they happen to pray in their masjid!!!

A hanafi “saint” Shaikh Nizam ud deen was in favour of reciting fatihah behind the Imam but some hardcore extreme bigoted muqallideen presented some weak reports to him mentioning that the one who recites fatihah behind the Imam will have a flame of fire put into his mouth!!! So he replied, “*I might receive this punishment but I can not bear that my prayer is rendered null and void (if I don’t recite the fatihah).*” (*Nuzhatul Khawatir 2/129*)

Who from the ahnaf takes this REFINING, that although he was informed about all the punishments and sin of going against the position of the madhab, it was more beloved to him to follow the evidence from the book and Sunnah. This is also the refining and correction, so why do we chose which refinement we take and which one we abandon?

Another problem with this concept and theory is that some eminent hanafi scholars said, those who claim there is no mujtahid after Allamah Nasafi and by this they mean mujtahid fil madhab and with regards to ijtehad mutlaq they say it finished with the 4 Imams to the extent that they said obligated and necessitate taqlid of one of the 4 imams.

Then all of this is a whim from amongst their whims and their speech is not given any importance. (*Refer to Fatwateh ar-Rahmut 2/399*)

This is also the reason why some later day hanafis who knew that there was no refining and correcting spoke the truth. They said the different madhabs and inter madhabs became so engrossed that the different madhabs appeared to be like different Shariahs, where as they all believe the commands were from Allah. *(Refer to Ma'ariful Quran 3/364) of Maulana Muhammad Shafee)*

There is also the possibility that a scholar can be wrong in their ijtihaad and we have shown this from examples of inter madhab differences, reconcilaitions and corrections. However a scholar can be wrong in his rulings and his ijtihaad and as we from the hadeeth he will only get one reward and two if correct. *(Bukahri, Muslim and Abu Dawud).*

Therefore this shows mistakes and incorrect rulings can be made and for this they can not be shunned as they are scholars. Yet again the question and pivotal point is, what is the obligation and command upon the Muslims and indeed this has been clarified and to repeat for the sake of reminder and that is that we return to the Quran and Hadeeth.

Lets take an example where refining and correction has not taken place and it also shows by theis notion is a myth and a poor understanding of the reality.

It is clearly mentioned by the Messenger of Allaah (Sallallahu Alayhi Wasallam) that he said, “Allahs curse is on the one who does Halaalah and the one who asks for it to be done.” (*Bukhari*) and Umar (RadhiAllaahu Anhu) ordered both of them to be stoned. Shaikh ul-Islam Ibn Taymiyyah said “That the companions are agreed in its prohibition from the likes of Uthman, Ali, Ibn Masood, Ibn Abbas, Ibn Umar and others (RadhiAllahu Anhum Ajma’een) and it has not been transmitted from any of the companions that they wed the woman to the first husband after the halalah.” (*Majmu’a al-Fatawa 33/330-33*)

However on the contrary the hanafi madhab says halalah is permissible to the extent that it has been said, “If someone has the intention of halalah but does not actually do it, he will be rewarded because he intended rectification and reconciliation.” (*ad-Durr al-Mukhtar 3/415*)

It seems like Shaikh Mulla Ali Qari rebuked this horrendous hanafi position (*Mirqat Sharh Mishkat 6/298*) and yet despite this there are halalah centres in some muslim countries.

Another example is when such corrections within a madhab are abandoned, is that the official position of Imam Abu Hanifah, Shaikh Muhammad Hasan Shaybani and Shaikh Abu Yusuf with regards to eating a lizard is that it is unlawful. However Shaikh Tahawi said there was no harm in eating it. (*Mukhtasar at-Tahawi pg.441*). Likewise he considered the urine of a camel and Horse mean to be halal. (*Mukhtasar at-Tahawi pg.434*).

Imam Ibn Hazm said “from the first to the last of the companions and all of the successors, we have from them ijma that it is impermissible to take all of the statements of an individual who was from their time or before them (Except the nabi). The people who take all of the statements of either Abu Haneefah, Malik, Shafi or Ahmad (ie they do taqlid) of them, knowing that the one who they do taqlid they do not reject his statements, then they should know that they are going against the ijma of the whole Ummah and they have left the way of the believers and we seek refuge in Allaah from such a state. The second point is that all of these virtuous scholars prohibited the people doing taqlid of them and the taqlid of others therefore the one who does taqlid of them is opposing them.” (*an-Nubdh pg.71 of Imam Ibn Hazm and ar-Radd Ala Ila Mi Akhlad Ilal Ard pg131-132 of Suyuti., also cited by Shaikh Shah Waliullah Delhawi in his Hujjatullah al-Baalighah 1/362*)

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

Abu Hibban & Abu Khuzaimah Ansaari

Rajab 1435 / May 2014