IDJTIHĀD AND TAQLĪD IN 18TH AND 19TH CENTURY ISLAM*

BY

RUDOLPH PETERS

University of Amsterdam

Islamic reformism as it came into existence by the end of the 19th century was a response to the challenge of the increasing Western impact in the Islamic world. The way this reformism expressed itself was, however, to a large extent conditioned by tradition. All kinds of issues that became particularly associated with it had already been part and parcel of the Islamic heritage and subject of fierce debates. One of these issues — a crucial one in present-day reformism — is the *idjtihād* versus *taqlīd* discussion.[1] Reformers claimed the right to interpret the Koran and the *Sunnah* independently from the prevailing opinions of the lawyers of the four *madhhab*s. Their claims were opposed by the followers of these *madhhab*s, who held that since long nobody was qualified anymore to interpret the sources on his own, and that all Moslems were nowadays bound to abide by the decisions of the scholars of the *madhhab*s.

This discussion is not a novel one. Throughout Islamic history there have been scholars to attack the prevailing notion that *taqlīd* is obligatory. In general they belonged to the fundamentalist tradition in Islam. This is no coincidence as the concept of *idjtihād* is structurally related to fundamentalism. John Voll has applied the term fundamentalism to such tendencies in Islamic thought as stress the trans-

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[1] This discussion is still going on. For a recent example, *cf.* S. Wild, "Muslim und Madhab. Ein Brief von Tokio nach Mekka und seine Folgen in Damaskus", in: *Die islamische Welt zwischen Mittelalter und Neuzeit. Festschrift für H. R. Roemer zum 65. Geburtstag.* (Beirut, 1979), pp. 674-89.

cendence of God as opposed to his immanence, unity as opposed to diversity and authenticity as opposed to openness.[2] In my opinion a further characteristic ought to be added: the emphasis on the essential equality of all believers.

The link between *idjtihād* and authenticity is quite obvious. For the fundamentalists, *idjtihād* means to approach the sources of Islam directly in order to ascertain as positively as possible Allah's commands, as revealed by Him to His prophet Mohammed. Obligatory adherence to the opinion of a *madhhab* introduces the element of human reasoning, which is liable to err. Therefore it forms an obstacle for the believer in his quest of the authentic prescriptions, the knowledge of which can only be obtained from the prophet. Moreover, these *madhhab*s did not come into existence until the third century of Islam and do therefore not belong to the pure Islam of the Companions and the Followers. In addition, these *madhhab*s have been one of the causes of disunity amongst the Moslems by compelling them to follow different opinions.

The relation, finally, between the fundamentalists' emphasis on the transcendence of Allah and *idjtihād* is more complicated. Transcendence in this connection means that Allah is completely independent and separate from His creation. Man cannot know Allah's commands except through His revelation to the Prophets. Prophecy therefore forms the sole line of communication between the Creator and His creation. Only by following and obeying Mohammed can a Moslem be a true believer. In accordance with this notion of separation between Allah and mankind, the fundamentalists consider it impossible that men, other than prophets, can communicate with Allah, for example by mystical illumination. Consequently, they strongly condemn the view that the founders of the *madhhab*s, being saints, had direct access to divine knowledge and were therefore infallible (*ma'ṣūm*), a notion to be found for instance in the works of the 16th-century scholar al-Sha'rānī.[3] For the champions of *taqlīd* this was one of the principal justifications for their position. This last point is also intimately connected with the fundamentalists' emphasis on the essential

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[2] John Voll, "The Sudanese Mahdi, frontier fundamentalist", *IJMES* 10 (1979), pp. 147-8.
[3] 'Abd al-Wahhāb al-Sha'rānī, *al-Mīzān* (Cairo, Maṭba'at al-Azhar, 1351/1932), vol. I, pp. 40 ff.

equality of all believers. The only hierarchy they acknowledge is one based on piety and learning, qualities that one can acquire by one's own efforts. The most radical fundamentalists claim therefore that, through assiduous study, any Moslem can obtain the rank of *mudjtahid*.

In this paper I shall analyse the views on *idjtihād* and *taqlīd* of four fundamentalist authors who lived in the 18th and 19th centuries.[4] They are the well-known Indian scholar Shāh Walī Allāh al-Dihlāwī (1703-62);[5] the Wahhabite scholar and judge Ḥamd b. Nāṣir b. Mu-'ammar (d. 1810), who was a pupil of Muḥammad b. 'Abd al-Wahhāb and a faithful servant of the first Sa'ūdī state[6] and can therefore be regarded, in the absence of any substantial treatise on the subject by

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[4] In this article I shall not deal with the ideas of the Sudanese *Mahdī* on *idjtihād* and *taqlīd*. Although they certainly fit within the wider framework of fundamentalist thought, they depart radically from the established doctrine. The *Mahdī* rejected *taqlīd* and abolished the existing *madhhab*s. Just as the other fundamentalists, he wanted to found his rulings exclusively on the Koran and the *Sunnah*. However, claiming to be in direct contact with the prophet Mohammed, his notion of *idjtihād* was different from the accepted notion. In his view, his decisions derived immediately from the source of the *shari'ah*, the prophet, and were therefore superior to decisions arrived at by normal *idjtihād*. Consequently, he could refute the argument of his opponents that he was not qualified to practise *idjtihād*, by pointing out that the prophet himself communicated with him. *Cf.* al-Ḥasan b. Sa'd al-'Abbādī, *al-Anwār al-saniyyah li-ẓalām al-munkirīn 'alā l-ḥaḍrah al-Mahdiyyah* (Omdurman, 1305 [1888]), pp. 230-41.

[5] For general information on Shāh Walī Allāh, see Saiyid Athar Abbas Rizvi, *Shāh Walī-Allāh and his times* (Canberra, Ma'rifat Publishing House, 1980). He wrote two treatises on the subject: *'Iqd al-djīd fī aḥkām al-idjtihād wa-l-taqlīd* (Cairo, al-Maktabah al-Salafiyyah, 1398 [1978], 56 pp.) (henceforth: SHWA-'Iqd) and *al-Inṣāf fī bayān sabab al-ikhtilāf fī l-aḥkām al-fiqhiyyah* (Cairo, al-Maktabah al-Salafiyyah, 1385 [1965], 48 pp.). The first treatise has been partially translated by M. D. Rahbar in *MW* 45 (1955), pp. 346-58.

[6] Ḥamd b. Nāṣir b. 'Uthmān b. Mu'ammar al-Nadjdī al-Tamīmī was born in 'Uyaynah. He studied in Dir'iyyah under Muḥammad b. 'Abd al-Wahhāb, his brother Sulaymān b. 'Abd al-Wahhāb and under Ibn Ghannām. Then he became a teacher himself. In 1211 (1796-7) the Wahhabite ruler 'Abd al-'Azīz sent him to Mecca in order to defend the Wahhabite doctrine in a debating contest with Meccan scholars, which was held at the instigation of the *sharīf* of Mecca, Ghālib b. Musā'id. His defence of Wahhabism was la:er published in *Al-Hadiyyah al-Sunniyyah wa-l-tuḥfah al-Wahhābiyyah al-Nadjdiyyah* (Collected by Sulaymān b. Saḥmān, ed. by Muḥammad Rashīd Riḍā, 2nd impr. Cairo, Maṭba'at al-Manār, 1344 [1925-6]), pp. 52-88. After the Wahhabite conquest of the Hejaz, he was appointed as inspector of the administration of justice in Mecca (*mushrif 'alā aḥkām quḍāt Makkah al-mukarramah*). He died in 1225/1811. See: 'Abd al-Raḥmān b. 'Abd al-Laṭīf Āl al-Shaykh, *Mashāhīr 'ulamā' Nadjd wa-ghayrihim* (2nd impr. Riyad, Dār al-Yamāmah, 1394 [1974]), pp. 202-6, and 'Abd Allāh b. 'Abd al-Raḥmān b. Ṣāliḥ al-Bassām, *'Ulamā' Nadjd khilāl sittat qurūn* (Mecca, Maktabat al-Nahḍah al-Ḥadīthah, 1397 [1978]), vol. I, pp. 239-43. His treatise "*Risālat al-idjtihād wa-l-taqlīd*" (henceforth: HIM-Ris) has been published in *Madjmū'at al-rasā'il wa-l-masā'il al-Nadjdiyyah* (Cairo, Maṭba'at al-Manār, 1346-9 [1928-31]), vol. II, pt. 3, pp. 2-30.

the founder of the movement,[7] as representative of Wahhabite thought; the Yemenite scholar Muḥammad b. 'Alī al-Shawkānī (1760-1832)[8] and finally the North African founder of the Sanūsiyyah *ṭarīqah*, Muḥammad b. 'Alī al-Sanūsī (1787-1859).[9] They all wrote treatises on

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[7] The only statement on the problem of *idjtihād* and *taqlīd* that I could trace in the works of Muḥammad b. 'Abd al-Wahhāb, is a rather lapidary passage in his "Sittat uṣūl 'aẓīmah mufīdah djalīlah" (publ. in *Madjmū'at al-Tawḥīd al-Nadjdiyyah*, Cairo, Maṭba'at al-Manār, 1345 [1926], p. 140). It runs as follows:

"The sixth principle: Rejecting the practice, established by Satan, with regard to abandoning the Koran and the *Sunnah* and following various divergent opinions and tendencies. This, i.e. the practice established by Satan, is [based on the opinion] that the Koran and the *Sunnah* can only be known by an absolute *mudjtahid* and that an absolute *mudjtahid* is a person with so many qualifications that they are maybe not even to be found completely in Abū Bakr and 'Umar. If someone is not like this, he must [according to this opinion] keep away from them [i.e. Koran and *Sunnah*], as [if bound by] a positive and unequivocal obligation, and if he [nevertheless] seeks guidance in them, he is either a heretic or a fool because of their difficulty".

This brief passage contains by implication a number of basic elements to be found in most fundamentalist writings on the subject: the fact that the obligation of *taqlīd* keeps the believer away from Allah's revelation and leads to disunity amongst the Moslems, and that *idjtihād* can still be practised and is not as difficult as the adherents of *taqlīd* pretend.

[8] Muḥammad b. 'Alī al-Shawkānī (1760-1832) studied, taught and issued *fatwās* in Ṣan'ā', Yemen. Originally he belonged to the Zaydite *madhhab*, but before he reached his thirtiest year, he realized that *taqlīd* was to be rejected. Therefore, he began practising *idjtihād* independently of the existing *madhhabs*. In 1795, the *Imām* of Yemen, al-Manṣūr bi-llāh, appointed him supreme judge, an office he occupied until his death. He often acted as the *Imām*'s secretary and in that capacity he corresponded between 1807 and 1813 with the leaders of the first Sa'ūdī state. See: his autobiography in *al-Badr al-ṭāli' bi-maḥāsin man ba'd al-qarn al-sābi'* (Cairo, Matba'at al-Sa'ādah, 1348 [1930]), vol. II, pp. 214-25 and further vol. II, pp. 6-8 and vol. I, p. 464; Muḥammad b. Yaḥyā Zabārah, *Nayl al-waṭar min tarādjim ridjāl al-Yaman fī l-qarn al-thālith 'ashar* (Cairo, al-Maṭba'ah al-Salafiyyah, 1350 [1931-2]), vol. II, pp. 297-302; another biography is to be found in the introduction to his *Nayl al-awṭār sharḥ muntaqā l-akhbār min aḥādīth sayyid al-akhyār* (Cairo, Muṣṭafā l-Bābī al-Ḥalabī, n.d.), vol. I, pp. 3-8. For his ideas on *idjtihād* and *taqlīd* I have consulted the following works: *al-Qawl al-mufīd fī adillat al-idjtihād wa-l-taqlīd* (ed. Muḥammad Munīr, 2nd impr., Cairo, Idārat al-Ṭibā'ah al-Munīriyyah, n.d. [ca. 1925], 48 pp.) (henceforth: SHAW-Qawl) and *Irshād al-fuḥūl ilā taḥqīq al-ḥaqq min 'ilm al-uṣūl* (Cairo, Idārat al-Ṭibā'ah al-Munīriyyah, 1348 [1929], 252 pp.) (henceforth: SHAW-Irshad), esp. pp. 220-40. I have not been able to see the following works, which, according to their titles, deal with the subject: *Tashkīk 'alā l-tafkīk*, summarized by Muḥammad Ṣiddīq Khān under the title *al-Iqlīd li-adillat al-idjtihād wa-l-taqlīd* (Istanbul, 1295), *Djawāb al-muwaḥḥidīn fī daf' al-shubah 'an al-mudjtahidīn*, ms. (both listed in *GAL*, S II, pp. 818-9) and *Risālat bughyat al-mustafīd fī l-radd 'alā man ankar al-idjtihād min ahl al-taqlīd* (listed in the biographical introduction to *Nayl al-awṭār*, p. 8).

[9] For general information on al-Sanūsī, see: Aḥmad Ṣidqī al-Dadjdjānī, *al-Ḥarakah al-Sanūsiyyah. Nash'atuhā wa-numūwuhā fī l-qarn al-tāsi' 'ashar* (Beirut, Dār Lubnān, 1967), Helmut Klopfer, *Aspekte der Bewegung des Muḥammad b. 'Alī al-Sanūsī* (Wiesbaden/Cairo [1967]) and Nicola A. Ziadeh, *Sanusiyah. A study of a revivalist movement*

the subject. On the other hand I shall pay some attention to the writings of their opponents.[10]

The classical meaning of *idjtihād*, as found with some minor variations in the technical dictionaries and handbooks on legal methodology, is "exerting one's effort in order to derive from the bases of the law (*adillah*) an opinion concerning a legal rule".[11] Its complement is *taqlīd*, by which term is understood "accepting an opinion concerning a legal rule without knowledge of its bases".[12] From about the 10th century A.D. the opinion came to prevail that independent *idjtihād* was not admitted anymore and that all Moslems, laymen as well as scholars, had to accept the opinions of the founders of the *madhhabs*. This view was substantiated by a number of Traditions to the effect that

in Islam (Leiden, E. J. Brill, 1958). For this article I have used the following works by al-Sanūsī: *Īqāẓ al-wasnān fī l-'amal bi-l-ḥadīth wa-l-Qur'ān* (Beirut, Dār al-Kitāb al-Lubnānī, 1388-1968. 143 pp.) (henceforth: SAN-Iqaz) and *Kitāb al-masā'il al-'ashar al-musammā Bughyat al-maqāṣid fī khulāṣat al-marāṣid* (Beirut, Dār al-Kitāb al-Lubnānī, 1388-1968, 297 pp.) (henceforth: SAN-Buyghyah). Brockelmann and Dadjdjānī mention other titles on the same subject, viz. *Bughyat al-sūl fī l-idjtihād wa-l-'amal bi-ḥadīth al-rasūl* (*GAL*, S II, p. 883; Dadjdjānī, *op. cit.*, p. 136), *Ṭawā'in al-asinnah fī ṭā'ini al-sunnah*, *Risālah shāmilah fī mas'alatay al-qabḍ wa-l-taqlīd*, *Izāḥat al-akinnah fī l-'amal bi-l-Kitāb wa-l-Sunnah*, *Fahm al-akbād fī mawādd al-idjtihād* and *al-Uṣūliyyah fī l-'amal bi-l-Kitāb wa-l-Sunnah* (Dadjdjānī, *op. cit.*, pp. 135-6). These works have not been printed and as yet I have not been able to locate their mss.

[10] I have made use of the following material: a) *Fatwās* against the Sanūsiyyah, issued by two Egyptian Malikite *muftīs*, Muṣṭafā l-Būlāqī (1800-47) and Muḥammad 'Illaysh (1802-83), published in Muḥammad 'Illaysh, *Fatḥ al-'Alī al-Mālik fī l-fatwā 'alā madhhab al-imām Mālik* (Cairo, Maṭba'at al-Taqaddum al-'Ilmiyyah, 1321 [1903], I, pp. 51-98; b) Dā'ūd b. Sulaymān al-Baghdādī al-Naqshabandī al-Khālidī (1816-1882), *Ashadd al-djihād fī ibṭāl da'wā l-idjtihād* (Istanbul, al-Maktabat Ishīq [sic], 1978, 44 pp.; which is a photographical reprint of the ed. Bombay, 1305 [1887]). This treatise, composed in 1876, was written as a refutation of the views of some Indian Moslems who claimed that they were *mudjtahids* and not bound to follow one of the *madhhabs*. Probably the *Ahl-i Ḥadīth* are meant, spiritual heirs of Ibn 'Abd al-Wahhāb and Shawkānī. c) Ibrāhīm al-Samannūdī al-Manṣūrī, *Sa'ādat al-dārayn fī l-radd 'alā l-firqatayn al-Wahhābiyyah wa-muqallidat al-Ẓāhiriyyah* (2 vols., Cairo, Maṭba'at Djarīdat al-Islām, 1319 [1901-2]). This voluminous work, completed in 1895, is a refutation of Wahhabite and Sanusite views. The problem of *idjtihād* and *taqlīd* is dealt with in vol. II, pp. 206-309. In this part the author draws extensively on Dā'ūd b. Sulaymān's book *Ashadd al-djihād* and the *fatwās* by Būlāqī and 'Illaysh. More remarkable, however, is the fact that he gives many quotations from SHWA-Iqd and SHWA-Insaf (which he summarizes on pp. 238-49), in support of his own view. Of course, he does not cite the crucial passages where Shāh Walī Allāh deviates from the traditional theory.

[11] See e.g. 'Alī b. Muḥammad al-Djurdjānī, *Kitāb al-ta'rīfāt* (Cairo, al-Maṭba'ah al-Ḥamīdiyyah al-Miṣriyyah, 1321 [1903]), p. 5; Muḥammad A'lā b. 'Alī al-Tahānawī, *Kitāb kashshāf iṣṭilāḥāt al-funūn* (ed. Muḥammad Wadjīh e.a., Calcutta, The Asiatic Society of Bengal, 1862), vol. I, pp. 198-9.

[12] See e.g. Djurdjānī, *op. cit.*, p. 44; Tahānawī, *op. cit.*, vol. II, p. 1178.

in the course of time real knowledge will disappear. One of these, often cited in the discussion on *idjtihad* and *taqlīd*, says: "Allah will not take knowledge away by removing it from the people. He will rather take it away by seizing the scholars. Then, when there is no [true] scholar left, people will take ignorant leaders and these will give *fatwās* without knowledge. Thus they err and lead people astray".[13] At some point of time, scholars, looking back, began to describe the process of "closing the door of *idjtihad*" (*insidād bāb al-idjtihād*) as a historical process characterized by a gradual narrowing down of the scope for *idjtihad*. As a result they distinguished different degrees of *idjtihad*. The founders of the *madhhab*s were absolute *mudjtahid*s (*mudjtahid muṭlaq*). After them came the *madhhab-mudjtahid*s (*mudjtahid fī l-madhhab*), followed by the *fatwā-mudjtahid*s (*mudjtahid fī l-fatwā*) and finally the pure *muqallid*s. There is some variation in the terminology and the number of degrees, but the general idea is clear.[14]

The obligation of *taqlīd*, however, was never universally accepted. It was opposed by Ibn Ḥazm (994-1064), but also by scholars belonging to the existing *madhhab*s, such as Abū 'Umar Yūsuf b. 'Abd al-Barr (978-1070), Sind b. 'Inān al-Azdī (d. 1146) and 'Izz al-Dīn b. 'Abd al-Salām (1181-1262). Up to the 16th century there have been scholars who claimed the rank of *idjtihad* themselves, or were recognized as such by other scholars.[15] There existed also the doctrine, held by the Hanbalites and a number of Shafi'ites that no period would ever be devoid of a *mudjtahid*, generally understood as absolute *mudjtahid*.[16]

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[13] Wensinck, *Concordance*, vol. IV, p. 320.

[14] *EI*[2], vol. III, pp. 1026 ff., s.v. *Idjtihād*; Nicolas P. Aghnides, *Mohammedan theories of finance, with an introduction to Mohammedan law and a bibliography* (²Lahore, Premier Book House, 1961), pp. 116-7; Abdul Rahim, *The principles of Muhammadan jurisprudence according to the Hanfi* [sic], *Maliki, Shafi'i, and Hanbali schools* (Lahore, Indus Publishers, n.d.), pp. 182-3; Muḥammad Abū Zahrah, *Tārikh al-madhāhib al-Islāmiyyah* (Cairo, Dār al-Fikr al-'Arabī, n.d.), vol. II, pp. 112-22; Id., *Uṣūl al-fiqh* (Cairo, Maṭba'at Mukhaymir, n.d.), pp. 374-85.

[15] For lists of those who claimed to be *mudjtahid*s up to the 16th century, see SHAW-Irshad, p. 224, SHWA-Insaf, pp. 31-2 and SAN-Iqaz, p. 72. Al-Sanūsī quotes Aḥmad Bābā (d. 1672), *Kifāyat al-muḥtādj li-ma'rifat man lays fī l-Dibādj* (*GAL* II, 467, S II, 716) and Abū Bakr al-'Arabī al-Ḥaḍramī, *Nihāyat al-sūl* (not listed in *GAL*).

[16] 'Abd Allāh b. 'Abd al-Muḥsin al-Turkī, *Uṣūl madhhab al-Imām Aḥmad b. Hanbal, Dirāsah uṣūliyyah muqārinah* (Cairo, Maṭba'at Djāmi'at 'Ayn Shams, 1394 [1974]), pp. 635-7; Muḥammad Abū Zahrah, *Aḥmad b. Ḥanbal, ḥayātuh wa-'aṣruh, ārā'-uh wa-fiqhuh* (Cairo, Dār al-Fikr al-'Arabī, n.d.), p. 369; W. Montgomery Watt, "The closing of the door of *iğtihād*", in: *Orientalia Hispanica*, I (ed. J. M. Barral, Leiden, E. J. Brill, 1974), pp. 675-8. Watt's article is based on SHAW-Irshad, p. 223, where the words of the Shafi'ite al-Zarkashī (d. 1392) are cited. A similar text is to be found

In the 13th century some kind of compromise was worked out in the Shafi'ite *madhhab* by al-Nawawī (1233-77) and others. They did so by making a distinction between the independent absolute *mudjtahid* (*mudjtahid mutlaq mustaqill*) and the affiliated absolute mudjtahid (*mudjtahid mutlaq muntasib*). Whereas the *mudjtahid*s of the former category, that of the founders of the *madhhab*s, had complete freedom in deriving the rules from the bases of the law, those of the latter category were in some general way bound to adhere to the principles laid down by their *imām*s, the founders of the *madhhab*s. On specific points decisions would often concur with those of the *imām*s. This, however, cannot be regarded as *taqlīd*, since the affiliated *mudjtahid* accepts his *imām*'s ruling with complete understanding of its bases and arguments. Those who claimed to be absolute *mudjtahid*s, after the establishment of the *madhhab*s were, according to this theory, absolute *mudjtahid*s of the second category since the first category had ceased to exist after the 10th century A.D. Thus this theory recognized the possibility that there were still absolute *mudjtahid*s, without however compromising the superiority of the founders of the *madhhab*s.[17]

Returning to our fundamentalist authors, we find that two of them, Shāh Walī Allāh and al-Sanūsī, have adopted the above-mentioned theory lock, stock and barrel. With obvious approval they quote these Shafi'ite authors and declare emphatically that the rank of affiliated absolute *mudjtahid* can still be attained. Implicitly, they seem to claim this rank for themselves.[18] Ibn Mu'ammar, who relies mainly on Hanbalite authorities, differs in terminology. He distinguishes between the absolute or independent *mudjtahid* on the one hand, and the *mudjtahid* who is bound to adhere to the opinions of the *imām*s (*al-mudjtahid al-muqayyad bi-madhāhib al-a'immah*) on the other. The latter one's *idjtihād*, he says, is mixed with *taqlīd*. Given the decisions of the different *imām*s, he must look for the best-founded 'opinions. This form of *idjtihād*, Ibn Mu'ammar claims, can still be exercised.[19]

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in SAN-Iqaz, pp. 81-3, where the Shafi'ites al-Birmāwī (d. 1427) and al-Suyūṭī (d. 1505) are quoted. The latter appears to have written a separate treatise on the subject, entitled *al-Radd 'alā man akhlad ilā l-ard wa-djahil ann al-idjtihād fard* (not listed in *GAL*).

    [17] SHWA-Iqd, pp. 7-8, 26-8; SHWA-Insaf, pp. 31-2; SAN-Iqaz, pp. 62-3; SAN-Bughyah, pp. 83-6.
    [18] *Ibid.*
    [19] HIM-Ris, pp. 5, 26-7.

All three authors complain about the fact that most people seem not to be aware of this distinction and that they erroneously think that, in the absence of an independent absolute *mudjtahid*, there can be only *taqlīd*. Al-Shawkānī is the most radical of the four. He rejects the theory that there are different degrees of *idjtihād*. In his view there is but one form of *idjtihād*, which can be practised by anybody possessing sufficient knowledge. Those who maintain that the door of *idjtihād* has been closed and that only the four *imām*s have truly understood the Koran and the Sunnah:

"tell lies∙ about Allah and accuse Him of being not capable of creating people that understand what is His law for them and how they must worship Him. They make it appear as if what he has enacted for them through His Book and His Messenger, is not an absolute but a temporary law, restricted to the period before the rise of the *madhhab*s. After their appearance, there was no Book and no *Sunnah* anymore [if these people are to be believed], but there emerged persons that enacted a new law and invented another religion for this community and replaced the Book and the *Sunnah*, that were there before them, by their personal opinions and sentiments".[20]

One of the arguments of the traditional scholars for the obligation of *taqlīd* is the complexity and difficulty of deriving rules from the Koran and the *Sunnah*. Only people of eminence, such as the four *imām*s could handle this, because they belonged to the best generations, the generations among whom the pure knowledge still prevailed, knowledge obtained immediately or almost immediately from the Prophet. Moreover, these *imām*s were aided by supernatural talents. Since then, however, times have only deteriorated and people with the skills and knowledge of the *imām*s no longer exist.[21] The fundamentalists' main argument, that they rely solely on the Koran and the *Sunnah*, whereas traditional scholars base their opinions only on the words of their *imām*s, is false according to their adversaries. When traditional scholars relate the words of their *imām*s, they do so since they consider these opinions as founded on the Koran and the *Sunnah*, as interpreted by these *imām*s with their superior knowledge. When the fundamentalist assert that they rely exclusively on the Koran and the *Sunnah*, they nevertheless make use of interpretation. But being of a later generation, their understanding of the rules of interpretation

[20] SHAW-Qawl, p. 27; SHAW-Irshad, p. 224.
[21] 'Illaysh, *op. cit.*, pp. 80-7; Baghdādī, *op. cit.*, *passim*; Samannūdī, *op. cit.*, *passim*, esp. II, pp. 282-93. They all quote long passages from al-Sha'rānī's *Mizān* (*cf.* note 3).

is far below the standard of the *imāms*. Therefore, their argument is based on a false contrast and does not hold good.[22] Against this, fundamentalist authors argue that *idjtihād* has in fact become easier. Whereas the people of the first generations travelled for months in order to collect Traditions, now everything has been compiled in books that are easily accessible. Consequently, it is no longer difficult to acquire the tools needed for *idjtihād*. Al-Shawkānī goes as far as to assert that it suffices for a *mudjtahid* to have studied one compendium (*mukhtaṣar*) in each of the five disciplines required for *idjtihād*.[23]

The cornerstone of traditional doctrine is that *taqlīd* is lawful, and that it became obligatory in the course of time, due to the absence of *mudjtahids*. About this last point, the traditional scholars maintain, there is consensus. In fact, they contend, it ought to be regarded as an article of faith that one must necessarily know (*ma'lūm min al-dīn ḍarūrat*ᵃⁿ).[24] They hereby implicitly accused their opponents of apostasy. For the lawfulness of *taqlīd* they produce the following Koranic texts: "*Question the people of the Remembrance, if ye do not know.*" (K. 16:43; 21:7) and "*O believers, obey Allah, and obey the Messenger and those in authority amongst you.*" (K. 4:59). Moreover, they quote the following Traditions: "*My companions are like the stars: no matter whom of them you follow, you are on the right path.*" and "*If one does not know what to do, the only remedy is to inquire.*"[25]

The views of al-Shawkānī and al-Sanūsī are diametrically opposed to this doctrine.[26] Following Ibn Ḥazm, they hold that *taqlīd* is *bid'ah*

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[22] 'Illaysh, *op. cit.*, p. 88; Samannūdī, *op. cit.*, II, pp. 302-3, quoting 'Illaysh.

[23] HIM-Ris, pp. 10, 23; SHAW-Qawl, p. 29; SAN-Iqaz, p. 68; SAN-Bughyah, pp. 89-90, 92.

[24] 'Illaysh, *op. cit.*, p. 79.

[25] The complete text of this Tradition runs as follows: "Djābir has said: 'Once we went on a journey. Then one of our men was hit by a stone which fractured his skull. Afterwards he had a seminal emission and asked his companions whether they thought that he was allowed to perform *tayammum*. They answered that they did not think so since he had water at his disposal. He then did his ablutions and died. When they came to the messenger of Allah, they told him what had happened. Then he said: 'They have killed him. May Allah kill them. Why didn't they inquire, when they were at a loss [what to do], for if one does not know what to do, the only remedy is to inquire (*innamā shifā' al-'iy al-su'āl*)'." *Cf.* Wensinck, *Concordance*, vol. IV, p. 457.

[26] SHAW-Qawl, 2-12, 14, 17, 34-5, 38; SHAW-Irshad, 236; SAN-Iqaz, 94-5, 99, 102, 105, 118-20; SAN-Bughyah, 95-103. Many of their arguments are, sometimes even verbatim, taken from Ibn Qayyim al-Djawziyyah (*I'lām al-muwaqqi'īn 'an Rabb al-'ālamīn*, Cairo, Idārat al-Ṭibā'ah al-Munīriyyah, n.d., esp. vol. II, pp. 128-208).

and forbidden. They reject the assertion that there is consensus on this
issue. Although, al-Shawkānī adds, it would nowadays appear that
almost all scholars are agreed upon this point, this of no relevance,
since for a valid consensus, having force of law, only the opinions of
mudjtahids count, whereas the scholars of these days consider them-
selves as mere *muqallids*. Now, by putting a ban upon *taqlīd*, these
authors did not imply that everybody was qualified to be a *mudjtahid*.
The majority of the Moslems are laymen that have no sufficient
knowledge to consult the sources. They must, therefore, have recourse
to specialists. However, they must not blindly accept their opinions,
but ask to be told the bases of their decisions. Or at least they must
make sure of the fact that these decisions are in conformity with
the Koran and the *Sunnah*, by querying whether the answer contains
Allah's decree or only human opinion. If the latter is the case, they
must consult another specialist. This procedure then is called *ittibā'*,
following or obeying, viz. the Koran and the Sunnah.[27] The Koranic
arguments adduced in support of the lawfulness of *taqlīd*, are not
conclusive according to al-Shawkānī and al-Sanūsī. The verse: "*Ques-
tion the people of the Remembrance, if ye do not know*", contains
no general command, but has, as appears from the context, only a
limited purport. It is addressed to the polytheist Meccans and exhorts
them to question the Jews and the Christians in order to get a con-
firmation of Mohammed's message. However, were it to embody
a general command, then it means no more than that those who do
not know, must approach specialists in order to be informed of
Allah's decrees. This, then, is *ittibā'* and not *taqlīd*. As for K. 4:59,
that orders the believers to obey "those in authority", i.e. the lawyers,
they reply that this duty of obedience is not absolute. Only when
their commands are in agreement with Allah's decrees as laid down
in the Koran and the *Sunnah*, are these commands to be followed.
This, then, also amounts to *ittibā'* and not to *taqlīd*. The same holds
for the Tradition "*If one does not know what to do, the only remedy
is to inquire*". Finally they consider the Tradition "*My Companions
are like the stars*" to be weak. For the interdiction of *taqlīd* they

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[27] This distinction between *taqlīd* and *ittibā'* is not a new one. The term *ittibā'*
had already been used by Aḥmad b. Ḥanbal and Ibn 'Abd al-Barr (*cf.* Ibn Qayyim
al-Djawziyyah, *op. cit.*, vol. II, pp. 131, 137, 139). Ibn Daqīq al-'Īd (d. 1302-3) had
called it "the layman's *idjtihād*" (*cf.* SAN-Iqaz, p. 94).

quote the second part of the verse about obeying "those in authority" (K. 4:59): "*If you should quarrel on something refer it to Allah and the messenger*". Since the *imāms* have quarreled, problems must be referred to Allah and the messenger, i.e. the Koran and the *Sunnah*, and *taqlīd* is therefore forbidden. Shāh Walī Allāh, who expressly refutes Ibn Ḥazm's view that *taqlīd* is forbidden, and Ibn Mu'ammar have a more differentiated approach to the matter.[28] *Taqlīd*, they say, is lawful for laymen ('*āmmī*) and scholars without sufficient know-ledge, but not for those who can comprehend and appreciate the bases of the law. Neither is *taqlīd* lawful for those who are bent on following the rulings of only one specific lawyer in everything he says, even if this be against the Koran and the *Sunnah*, because they are convinced that he is infallible (*ma'ṣūm*).

In fact the whole discussion boils down to the question what is to be preferred: a clear text of the Koran and the *Sunnah* or the rulings of one *madhhab*. The point our authors have in common is that they all reject the strict adherence to one *madhhab*, as if its founder were infallible and like a prophet.[29] They denounce *madhhab*-fanaticism (*ta'aṣṣub al-madhhab*) as an innovation (*bid'ah*), since there were no *madhhab*s in the period of the *Ṣaḥābah*, and as one of the major causes of the division and enmity amongst Moslems.[30] They further criticize the practice of the *madhhab*-people, of only citing such traditions as are in agreement with the opinions of their *imām*. When confronted with other traditions, they go to great length in order to prove that this special tradition is not authentic or has been abrogated by another tradition. If they are at their wits' end, they retort: "Do you think that you are better versed in the science of tradition than our *imām*? No doubt, he was aware of this tradition, but he must have seen some reason for not following it".[31] Against this form of fanatical *taqlīd*, the fundamentalists argue, the Koran warns in several places, e.g. in K. 9:31 ("*They have taken their rabbis*

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[28] SHWA-Iqd, pp. 24-5, 42-3; HIM-Ris, pp. 6-7.

[29] HIM.Ris, p. 23; SHWA-Iqd, pp. 18, 24; SAN-Iqaz, pp. 55, 58, 116; SAN-Bughyah, pp. 62, 123. Both al-Sanūsī and Shāh Walī Allāh cite the Shafi'ite scholar 'Izz al-Dīn b. 'Abd al-Salām (d. 1262) in this connexion.

[30] HIM-Ris, p. 23; SHAW-Qawl, pp. 14, 17; SAN-Iqaz, p. 106; SAN-Bughyah, p. 73; (cf. Ibn Qayyim al-Djawziyyah, *op. cit.*, vol. II, pp. 162-3, 204).

[31] HIM-Ris, p. 23; SHWA-Iqd, pp. 18-24; SAN-Iqaz, pp. 43, 55, 58, 106, 112-3; SAN-Bughyah, 73.

*and their monks as lords apart from Allah and the Messiah, Mary's
son.*"), K. 43:23 ("*We indeed found our fathers upon a community,
and we are following upon their traces.*"), and K. 33:67 ("*They shall
say: 'Our Lord, we obeyed our chiefs and great ones, and they led
us astray from the way'.*").[32] Moreover, they quote sayings of the
four *imām*s to the effect that their opinions should be disregarded
if they are at variance with an authentic traditions.[33] Finally, they
mention a number of logical refutations of blind *taqlīd* that had
already been developed by al-Muzanī (d. 877-8) and Ibn 'Abd al-
Barr.[34]

However, beyond their common condemnation of blind *madhhab*
fanaticism, our authors' opinions vary. Again, the most radical position
is taken by al-Shawkānī and al-Sanūsī. Their view is unambiguous:
Under all circumstances Moslems must follow the Koran and the
Sunnah, even in the case of texts that no *imām* has ever followed.
Having cited a number of authorities to this effect, al-Shawkānī
remarks that he is ashamed of having to record all these opinions
and asks rhetorically why Moslems are in need of the authority of
any scholar in order to be convinced that the words of Allah and
His prophet must be preferred to the opinions of scholars.[35] Tradi-
tional doctrine cautions against immediately following a tradition.
Only when it has been established beyond doubt that there is no
counterargument (*mu'āriḍ*), e.g. another tradition that abrogates it,
is it allowed to follow it. Al-Sanūsī's reply to this objection is that
abrogation seldom occurs with regard to the *ḥadīth* and that there
are at the most ten traditions with abrogating force. Immediately
following a tradition entails therefore less risk of falling into error,
than relying on the opinions of fallible scholars.[36] In theory at least,

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[32] SHWA-Iqd, p. 25; SHAW-Qawi, p. 29; SAN-Iqaz, p. 92. Al-Shawkānī and al-
Sanūsī quote Ibn 'Abd al-Barr, as cited by Ibn Qayyim al-Djawziyyah (*op. cit.*,
vol. II, p. 134).

[33] HIM-Ris, pp. 3, 27; SHWA-Iqd, p. 48; SHAW-Qawl, p. 21; SHAW-Irshad,
p. 236; SAN-Iqaz, pp. 23-6, 118, 121 (*cf.* Ibn Qayyim al-Djawziyyah, *op. cit.*, vol. II,
pp. 139-40).

[34] HIM-Ris, pp. 28-9; SHWA-Iqd, p. 24; SHAW-Qawl, pp. 15, 24; SHAW-Irshad,
p. 237; SAN-Iqaz, pp. 122-3. (*Cf.* Ibn Qayyim al-Djawziyyah, *op. cit.*, vol. II, pp. 136-8).

[35] SHAW-Qawl, p. 23.

[36] SAN-Bughyah, pp. 124-5, quoting Ibn Qayyim al-Djawziyyah; SAN-Iqaz, pp. 116-
7, quoting Ṣāliḥ al-Fullānī (d. 1803; v. *GAL* S II, 523) and Muḥammad Hayāh al-
Sindī (d. 1750; v. *GAL* S II, 522). Fullānī's book *Īqāẓ al-himam* is one of Sanūsī's
major sources. Pp. 98-128 of SAN-Iqaz consist almost exclusively of quotations from

al-Shawkānī's and al-Sanūsī's views amount to a total rejection of the *madhhab*s. The opinions of the four *imām*s, al-Sanūsī says, should only be used to come to a better understanding of the bases of the law.[37] Shāh Walī Allāh and Ibn Mu'ammar do not go that far. They accept the four *madhhab*s and hold that Moslems are bound to follow them, since beyond them there is no truth.[38] Shāh Walī Allāh argues that in their existence there is great benefit. In jurisprudence, just as in all other sciences and trades, it is helpful to make use of the experience of your predecessors. Moreover, the Prophet has summoned the believers to follow the majority (*al-sawād al-a'zam*). For Shāh Walī Allāh, it seems, all *madhhab*s are of equal value. Ibn Mu'ammar, however, in accordance with the official Wahhabite doctrine, shows some predilection for the Hanbalite School, since, he remarks, Aḥmad b. Ḥanbal was the *imām* that, more than any other one, clung to the bases of the law.[39] A follower of a *madhhab*, however, provided that he has a certain knowledge of jurisprudence, may follow a tradition against the opinion of his own *madhhab*, if an *imām* of another *madhhab* has also done so. In general they hold it advisable to follow those opinions upon which the majority of the *imām*s are agreed. If there is no majority, one should follow the opinion with the strongest arguments.

From the foregoing it will be clear that the views of our four fundamentalist authors with regard to the *idjtihād – taqlīd* issue are not identical. Remotest from traditional doctrine are al-Shawkānī's ideas since he does not differentiate between the various ranks of *idjtihād*, claims that anybody with a minimal knowledge of jurisprudence can be a *mudjtahid* and considers *taqlīd* absolutely forbidden. Second comes al-Sanūsī, who adopts the distinction between the independent and the affiliated *mudjtahid* and thereby acknowledges the superiority of the four *imām*s, although he reserves the right to go beyond the pale set by them if a tradition is to be preferred. He is followed by Shāh Walī Allāh, who holds that Moslems are bound to accept the rulings of the four *imām*s, but shows no bias towards

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Fullānī's book, which, in its turn, draws heavily upon Ibn Qayyim al-Djawziyyah's *I'lām al-muwaqqi'īn*.

[37] SAN-Iqaz, p. 120, quoting Fullānī.
[38] SHWA-Iqd, pp. 23, 36; HIM-Ris, pp. 21, 26-7.
[39] HIM-Ris, p. 22.

any of the Schools. Finally comes Ibn Mu'ammar, whose ideas are
similar to those of Shāh Walī Allāh, except that he has strong
affinity with the Hanbalite *madhhab*. The point they have in common,
is that they criticize the strict adherence to one *madhhab*, for better
and for worse.

The study of these fundamentalists texts on *idjtihād* and *taqlīd* is
not yet completed. Further research may yield interesting results.
The texts contain a wealth of quotations reproducing fragments of
earlier discussions on this issue. Therefore, they are mines of inform-
ation, that can give us some insight in the historical process of "the
closing of the door of *idjtihād*", a process of which we still know
very little, and provide us with a solid starting-point for further
investigations.

Systematical exploration of the quotations to be found in these
texts may also shed light on another problem: the continuity of the
fundamentalist tradition. It would appear that there was an upsurge
of fundamentalism in the 18th and 19th centuries. In my view, this
is only partly true. What we actually do observe is an upsurge of
politico-religious movements with an ideology based on fundamentalist
ideas. Since these ideas criticize prevailing beliefs and institutions and
are therefore orientated towards change, they can provide a suitable
ideology for activist movements. These ideas, however, did exist long
before these movements appeared. It is a well known fact that many
of these ideas can be traced back to Ibn Taymiyyah (1263-1328) and
his student Ibn Qayyim al-Djawziyyah (1292-1350). This is also borne
out by the fact that, except Shāh Walī Allāh, all of our authors
quote these scholars frequently. There are, however, a number of
identical passages by other, sometimes quite obscure, authors to be
found in these texts. This may well be evidence of a common tradition
on which our authors have drawn. This impression is corroborated
when one studies their "intellectual family-trees". John Voll has
pointed out the relationship between Muḥammad b. 'Abd al-Wahhāb
and Shāh Walī Allāh on the one hand and a group of Medinese
scholars with Muḥammad Ḥayāh al-Sindī (d. 1750) as a focal point
on the other.[40] They were all connected with Ibrāhīm b. Ḥasan al-

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[40] John Voll, "Muḥammad Ḥayyā al-Sindī and Muḥammad ibn 'Abd al-Wahhāb:
an analysis of an intellectual group in eighteenth-century Madīna", *BSOAS* 38 (1975),
pp. 32-9.

Kūrānī al-Kurdī (d. 1690)[41] and Abū l-Baqā' al-Ḥasan b. 'Alī al-
'Udjaymī (or al-'Adjamī) (d. 1702).[42] Now, it can be established that
al-Sanūsī is also linked with these scholars, not only through his
intellectual "grandfather" Muḥammad Ḥayāh al-Sindī, but also via
independent chains of teachers.[43] Al-Shawkānī is connected with
Ibrāhīm al-Kūrānī through one chain of teachers.[44] In my view, these
relationships deserve more study. Systematical examination of the
body of quotations, in combination with the use of the available
biographical and autobiographical material (e.g. the *fahrasah*s and
*idjāzah*s) can give us more insight into the continuity of the funda-
mentalist tradition.

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[41]   *GAL*, II, p. 385, S II, p. 520.

[42]   *GAL*, II, p. 392, S II, p. 536.

[43]   One of al-Sanūsī's teachers, al-Badr b. 'Āmir al-Mi'dānī was a student of al-
Sindī's, which links him with both al-Kūrānī and al-Hasan b. 'Alī al-'Udjaymī. Further
he is connected with them through his teacher, the Meccan *muftī* and *qāḍī* Abū
Sulaymān 'Abd al-Ḥāfiẓ b. Muḥammad al-'Udjaymī via the Meccan *muftī*s 'Abd al-
Malik and 'Abd al-Qādir b. Abī Bakr. The latter was a student of both al-Kūrānī
and al-Hasan al-'Udjaymī. Finally he is connected with them through his teacher
Ibn Shārif. These "intellectual pedigrees" are to be found in: Muḥammad b. 'Alī
al-Sānūsī, *al-Manhal al-rawī al-rā'iq fī asānīd al-'ulūm wa-uṣūl al-tarā'iq* (Beirut, Dār
al-Kitāb al-Lubnānī, 1388-1968), pp. 13-5.

[44]   al-Shawkānī is connected with al-Kūrānī through his teacher Yūsuf b. Muḥammad
b. 'Alā' al-Dīn, whose grandfather was a student of al-Kūrānī's. See: Muḥammad
b. 'Alī al-Shawkānī, *al-Badr al-Ṭāli'*, vol. I, pp. 11-2.