

## THE RELATIONSHIP OF *TAQLĪD* AND FANATICISM TO THE FALLACY AND TRUTH PERCEPTION OF *IJTIHĀD*

Asar A.K.

Centre for Human Sciences,  
Universiti Malaysia Pahang (Malaysia)

Email: [asar@ump.edu.my](mailto:asar@ump.edu.my)

### ABSTRACT

This study attempts to shed light on the relationship of *taqlīd* and fanaticism to the fallacy and truth perception of *ijtihād*. Looking at the meaning of *taqlīd* and fanaticism; the researcher finds that there is strong relationship of *taqlīd* and fanaticism to the two main schools of thought known as “*al-takhtīah*” [fallacy perception of *ijtihād*] and “*al-taṣwīb*” [truth perception of *ijtihād*]. Both opinions have caused *taqlīd* and fanaticism to preferred *madzhāhib*; moreover the “*al-takhtīah*” school of thought which has negative impact on Islāmic nation, as it necessitates constant conflict between Muslims: common people, as well as among scholars who do not achieve the level of *ijtihād*. At the end, the researcher has concluded that the more appropriate and correct view is that all *mujtahids* who have did their best, are correct in their *ijtihād*; however the truth is only with one of them, not all of them.

**Keywords:** *taqlīd*, fanaticism, *al-takhtīah*, *al-taṣwīb* and *ijtihād*.

### INTRODUCTION

Unlike during the glorious past, contemporary Muslims seem to contribute little in new academic religious writings. The spirit of inquiry and the thirst after knowledge appears to be rather faint nowadays, most of the scholars do emphasis on *taqlīd* [blind imitation], rather than making *ijtihād*. The word “*ijtihād*” refers to exert what is within one’s capacity (Al-’Arabiyyah, 1989). It has multiple definitions in the term of *uṣūl al-fiqh* [the pillars of Islāmic jurisprudence], and there is no agreement on its exact definition (Asar AK, 2001). Looking at all the definitions, we can conclude that *ijtihād* is an exertion of full energy by a *faqīh* [Muslim jurist] in devising *sharī’ah* legal rulings or in applying them for a new situation.

Even though many scholars have said that the first type of *ijihad*, i.e. the absolute *ijtihād* has been impossible at some point; the researcher holds that that this type of *ijtihād* is also still exist, moreover when all related sources and knowledge in this era are easily being accessed. However, this discussion is not fit to be discussed thoroughly in this paper. As for the lesser grade type of *ijtihād*, the scholars have agreed that there must be *mujtahidūn* (plural of *mujtahid*)/ *mujtahids* who are can exercise this type of *ijtihād*. This type of *mujtahids* are the scholars of *takhrīj* who exert based on the application of the inferred causes on partial acts/ situations. Hence their work is applying what the predecessors have deduced, on new matters not known to the ex. This work known as *taḥqīq al-manāṭ* (Muḥammad, 1958). Therefore, it is not logic, that Islām accepts *taqlīd* and fanaticism, except just for a temporary situation.

## PROBLEM STATEMENT

A widespread practice of *taqlīd* or blind imitation seems to be the accepted norm by most of Muslims nowadays. They scrupulously follow their preferred *madzhab* [sect] in every matter without questioning the validity of the given ruling; in other words, they are fanatic to their *madzhab*. When another a jurist tries to look back at a ruling which seems to be not correct or not suitable for the new situation, the new jurist will get all criticism because no one is allowed to criticize the predecessor/ *imam* who was known as a great scholar. Both are new *bid'ah ḍalālāh* [misguidance heresy] and it is clearly violates the concept of reasoning for the truth which has been promoted by Islām. Hence this study attempts to shed light on the relationship of *taqlīd* and fanaticism to the fallacy and truthful perceptions of *ijtihād* known as “*al-takḥīyah*” and “*al-taṣwīb*”.

## OBJECTIVE OF THE STUDY

This study aims to analyze the reality of the relationship of *taqlīd* and fanaticism to the fallacy and truth perceptions of *ijtihād* known as “*al-takḥīyah*” and “*al-taṣwīb*”.

## METHODOLOGY

This qualitative study analyzes related Islāmic legal texts in the field.

## LITERATURE REVIEW

In Islām, apart of following al-Qur’ān and al-Sunnah of the Prophet, Islām orders Muslims to use their mind in finding the truth to fulfil the duty of vicegerency on earth. There are many verses of the Qur’ān which indicate the use of mind and reasoning. Even the first revelation of the Qur’ān is an order to read (al-Qur’ān, 96, al-‘Alaq:1). In Islām, reading and thinking are the two basic elements to analyze any issue or disagreement opinions that may arise. Muslim scholars are the experts who can derive a ruling of Allāh from the accepted sources, particularly from the Qur’ān and Sunnah. They must be those people who are “God-fearing people” (al-Qur’ān, 35, Fāṭir: 28). One first needs to read what scholars have done in their *ijtihād* about the issue before starting to exercise the reasoning in finding the truth.

*Ijtihād* only occurs in matters that are speculative rulings (*ẓaniyyāt*), not in definite ones (*qaṭ’iyyāt*). Imām al-Ghazālī says in his book (al-Mustaṣfā, vol. 2, pg 177-178) (Al-Ghazālī, 1997) that the speculative/ presumptive jurisprudence for which there is no definite evidence (Al-Ghazālī, 1997). As for the definite/ peremptory rulings such as the compulsory of the five times daily prayers and the other pillars of Islām; as well as the prohibition of fornication, murder and theft; then the *ijtihād* to find the new ruling is not accepted.

## DISCUSSION

By looking into the concept of *taqlīd* and fanaticism; the researcher finds that the relationship of both is closer and deeper with the “*al-takhtīah*” perception that was understood by imam al-Juwayni and those who follow his school of thought. It is also closer and deeper with the idea of erroneous in *ijtihād* that championed by imam Al-Amidi and those who follow his school of thought.

This is because the “*al-taṣwīb*” which was understood by al-Juwayni’s school of thought is based on the principle that every mujtahid is correct in his *ijtihād* and in the desired judgement/ ruling of Allāh. This opinion requires the abolition of the preference between the sects/ madzāhib since all followers are sufficient with what their reputable imams have found. Perhaps this is what Aḥmad al-Anṣārī (Al-Anṣārī, 1996) has highlighted that one of the reasons that led to the deepening of sectarian fanaticism was the view of some scholars that every mujtahid is right, and that they have permitted to worship Allāh over any of the doctrines of the preferred scholars.

We do not deny that sincere *mujtahids* are the people of guidance and piety, Allāh has stated in the Qur’ān that His servants who are afraid to disobey Him are the scholars who possess knowledge (al-Qur’ān, 35, al-Fāṭir:28) (Yūsuf, 1994). All *mujtahids* from among “*Ahlu al-Sunnah wa al-Jamā’ah*”<sup>1</sup> are the people of guidance, and no one from this Muslim ummah should be fanatic to Ḥanafī, Shafī’ī, Malik or Ḥanbalī. A Muslim if he is not a *mujtahid*, then he can imitate one of those Muslim scholars because Allāh the Almighty has asked us to ask the people of the field if we don’t know (16, al-Naḥl, 43; 21, al-Anbiyā’: 7), (Yūsuf, 1994). In fact, it is desirable to be on the safe side, i.e. to follow the stronger opinion if one sees it as a valid evidence even though it contradicts to the rulings of his preferred *imam/ mujtahid* because Muslims are ordered to follow the Prophet (Al-’Umarī, 1977).

Despite this, they are not infallible from error and forgetfulness, for the truth may be hidden from a mujtahid and not the other, as it also may be hidden at one time and not another. For this reason, Allāh the Almighty said: “*And there is no blame upon you for that in which you have mistakenly erred but [only for] what your hearts intended*” (al-Qur’ān, 33, al-Aḥzāb: 5). Even the Prophet SAW has indicated that the truth is in one, when he said: “*If a ruler/ mujtahid<sup>2</sup> makes ijtiḥād, strives hard then he is right, he will have two rewards. And if he judges, he makes ijtiḥād but it was wrong, then he has been given a reward*”, Ṣaḥīḥ al-Bukhārī, no. 2676; Ṣaḥīḥ Muslim, no. 1342 (Al-Bukhārī, 1987; Muslim, n.d.) The Prophet SAW also mentioned: “*Allāh has forgiven my nation mistakes, forgetfulness and what they were forced to do*”, Sunan Ibn Mājah, vol. 1, pg. 659 (Al-Qazwīnī, n.d.).

The Prophet SAW had affirmed that jurisprudence is not only for one mujtahid or person, he said: “*May Allāh bless a servant who hears my saying, memorizes it, understands it and practices it. Perhaps a holder of jurisprudence is not a jurist, and there may be a holder of jurisprudence to one who is more knowledgeable than him. There are three things that the heart of a Muslim does not deceive: sincerity of work for Allāh, advice to Muslims, and stickness to their jamā’ah/ group, for their supplication surrounds them*”, Musnad al-Shāfi’ī, vol. 1, pg. 240 (Al-Shāfi’ī, n.d.). Another hadith indicates that advice is the pillar of religion, the Prophet SAW mentioned: “*Surely the religion is advice, they said to whom, O Messenger*

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<sup>1</sup> *Ahlu al-Sunnah wa al-Jamā’ah* refers to those people who follow the Sunnah of the Prophet Muḥammad SAW and the virtues of Muslim community during his time.

<sup>2</sup> Rulers in the time of the Prophet and his companions were all Muslim jurists who have achieved the level of *ijtiḥād*, i.e., in other words they were *mujtahids*.

of Allāh? He said: to Allāh, to His Book, to His Messenger<sup>3</sup>, and to the leaders of the Muslims and their common folk”, Sunan al-Nasāī, vol. 7, pg. 156(Al-Nasāī, 1986).

Therefore, the absolute correction which has been understood by some scholars is not compatible with the teaching of Islām. The opinion *al-Muṣawwibah* which states that every mujtahid who has achieved the level of *ijtihād* is correct in his diligence as well as in the ruling, may also lead to the sectarian fanaticism since all will believe that every mujtahid is correct in the ruling derived from his *ijtihād*. This may lead to the closing of the door of *ijtihād* since every jurist and Muslim is satisfy with the way of the preferred *madzhab*. In fact, this opinion is based on the principle that every *mujtahid* is correct in his diligence and the desired ruling, clearly stands on the probability as if all *mujtahids* have gathered all the evidence with him; it is a matter of assumption only, not in reality.

The idea of correction in *ijtihād* is more appropriate to be held on, although the truth is in one of the mujtahids, not all of them. By holding this kind of opinion, a mujtahid tries as much as possible to seek the truth of the intended ruling that Allāh the Almighty, since he believes that the God has a specific ruling. It requires that he weighs his opinions and discuss them with the opinions of others. This idea, of course, will necessitate the growth of the *ijtihād* movement, which is the only solution to current problems emerge in Muslim Ummah/ Muslim nations. Its nature motivates *ijtihād*, and this position will distance the person from imitation or sectarian fanaticism as a result of absolute correction, as it will remove conflicts between Islamic sects, as a result of each mistaking others.

The idea of absolute correction was the most popular among previous *uṣūliyyūn* [the fundamentalists] and jurists of the previous time, it was in line with the jurisprudential movement, which witnessed prosperity, before the fifth century, because of its nature in motivating *ijtihād*. Therefore we see that *uṣūliyyūn* at the time such as al-Juwayni, al-Ghazali, Suyūṭī and others, held this school of thought. But when the matter of jurisprudence inclined to *taqlīd* [imitation], the idea of error became more popular among the *uṣūliyyūn*, because the new opinion was more compatible in its nature with *taqlīd*.

By going into the detail debate of the two main schools of thought, i.e.: *al-Mukhaṭṭiah* and *al-Muṣawwibah*; the researcher concludes that most of them were only debating on the validity of the two main things: wrong of the ruling and correctness effort for *ijtihād*. None of them deny the truth that that all *mujtahids* who have did their best, are correct in the *ijtihād*. The opinion of *al-mukhaṭṭiah* which has stated the erroneous at mujtahids without any explicit restriction, actually in reality were unable to answer the main question raised by the group *al-Muṣawwibah* who states that a mujtahid must follow his *ijtihād*. Everything *al-mukhaṭṭiah* group have said indicates that it is proven that the word “wrong” may be used for the mujtahids. As for the group *al-Muṣawwibah*, everything they have said is confined to a rule acceptable in *Uṣūl al-Fiqh* [Pillars of Islamic jurisprudence] that that a mujtahid follows what he most likely has found in his *ijtihād*.

## CONCLUSION

Islām never contradicts to any logic. Logic is closely allied to science. The logic is that all great scholars may do mistakes because human beings tend to do mistakes. Even the Prophet Muḥammad SAW also did some mistakes, however all his mistakes then corrected directly by Allāh SWT. Therefore the Prophet is called as *al-ma’ṣūm* [the protected one]. Both ideas “*al-takḥīyah*” and “*al-taṣwīb*” which had been debated by the fundamentalists long time ago

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<sup>3</sup> This first part of prophetic hadith means advising people to believe in Allāh, His prophet Muḥammad SAW and the holy book al-Qur’ān.

should be understood in the right way, particularly in the context of their societal and political situation during the time. A religious student, moreover a *mufti* nowadays cannot simply uses and quotes the previous fundamentalist scholars's saying according to its outward statement only. This is because the outward statement is also subject to the situation at the time, it may change later.

Looking at the situation of Muslims nowadays; the opinion of *al-muṣawwibūn* is more appropriate to treat Muslim current sectarian fanaticism. The idea "*al-takḥīyah*" which promoted by many Muslim scholars/ academicians nowadays may lead to *tafsīq* and *tabdī*<sup>4</sup> in minor issues/ *khilafiyāt* by their followers, as well as by layman Muslims. However, its logic and truth that not all *mujtahids* are correct in their rulings as claimed by "*al-muṣawwibūn*". Uttering "wrong *ijtihād*" of other *mujtahids*, as well as claiming that "all *ijtihāds* are correct" nowadays is not acceptable, since both are mostly based on *taqlīd* and sectarian fanaticism. Hence, the researcher has concluded that the opinion that is more appropriate and correct is that all *mujtahids* are correct in their *ijtihād*, however the truth is with one of them, not all of them. This moderate opinion is in line with the previous discussed prophetic hadīth. This opinion of course, will stimulate the growth of the *ijtihād*, which is the only solution to the many on-going issues and problems in Muslim community nowadays. This opinion also will keep the person from *taqlīd* [blind imitation] or sectarian fanaticism as the result of previous both opinions.

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<sup>4</sup> "*Tafsīq*" is labelling Muslims with hypocrisy, while "*tabdī*" is labelling Muslims with deviated innovation.