

Review Article

The concept of al-Taqlid (following an expert on Islamic jurisprudence) among Contemporary Nigerian Muslims

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Abstract: The phenomenon of fellowship of *Mujtahid* (renowned Islamic Scholar) in acts of *Ibadah* provided it does not contradict the teachings of Qur'an and *Sunnah* is permissible. Therefore, this paper brings to the Muslims public that the door of *Taqlid* is still open provided it co-incided with the teachings of Islam.

Keywords: concept of *al-Taqlid*, Islamic jurisprudence, and teaching of Islam.

INTRODUCTION

Taqlid literally means to follow someone, to imitate. But in Islamic legal terminology it means to follow a *mujtahid* in religious law and commandment as he has derived them. A *mujtahid* is a person who is an expert on Islamic jurisprudence. Some scholars define *Taqlid* as the acceptance by some Muslims of the opinion of the jurist as binding authority on them and to follow it without question is known as the doctrine of *Taqlid*¹.

Qur'an instructs Muslims to seek guidance from people of learning in matters about which they lack knowledge. Allah in the Qur'an says:

Question the people of remembrance if you do not know.²

It is an obligation in Islamic law to study everything which is necessary for the spiritual and material development and well-being of an Islamic community, but it is an obligation which is known as *Wajib Kifa'i*. In the present instance, for example, an Islamic society has need of experts in the medical sciences, in physics, chemistry, engineering, education and so forth, and as long as there is lack of knowledge in these areas it is an obligation on the community as a whole to acquire it.³ This means that a group of Muslims should devote themselves to research so as to benefit people as a whole. Similarly an Islamic society without experts in *Shari'ah* cannot properly consider itself complete Islamic community, so it is an obligation

for a group of persons from the Muslim community to devote themselves to the study of the religious sciences so as to provide divine guidance for all Muslims. In this regard Allah says:

But why should not a party from every section of them (the believers) go forth to become learned in the religion, and to warn their people when they return to them, that they may beware.⁴

The structure of Islamic law was completed during the lifetime of the Prophet (S.A.W). The basic rules of which Islamic law could be derived are only those prescribed in the Qur'an and Traditions of the Prophet (S.A.W), which are few and limited.

The law of Islam as defined in the Qur'an and *Sunnah* are binding on all Muslims forever. Any new law which claims to be binding on Muslims has to comply with conditions laid by the Qur'an and *Sunnah* and be authenticated by them, otherwise,⁵ Muslims will be falling into what the Qur'an strongly condemns in other religious groups by stating that those who dispute concerning the message of Allah without any authority that comes to them, they are greatly hated by and by those who believe.

The principles of the Qur'an has great potentialities of expansion and development by interpretation from age to age to meet the changing conditions of man.⁶ It was on the strength of the

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Shari`ah as defined above that the various early scholars of Islam legitimize one claim against another by diverse argument i.e theological, legal, law and orders on the ground of justice.

Taqlid started from the second half of the fourth century of the Islamic calendar up to the fall of Baghdad in the year 656 A.H.⁷ It was a period jurists accepted the ways of the famous schools of law. Despite the fact that the jurists of this period had the chance to perform *ijtihad* because the Qur`an was with them and all Traditions of the Prophet (S.A.W) had been compiled at that time. Moreover the duty of the jurists is to perform independent *ijtihad*. But majority of the jurists of these period considered their ways of performing *ijtihad* much weaker than that of the jurists before them.⁸

One of the causes of *Taqlid* was that, at this period some scholars claimed that they had wits to perform *ijtihad*, so when other scholars feared that such persons may mislead ignorant Muslims, they announced that no one had the wits to perform *ijtihad* and that what the former scholars left was enough. The reality however, is that *ijtihad* is allowed up to the end of this material word.⁹ Whenever a person meet the conditions set down before one conduct *ijtihad*,but in the absence of that *ijtihad* is *haram*.

Prophet (S.A.W) said:

If one of you (*mujtahid*) conducts *Ijtihad* successfully he would be rewarded twice and when he failed he will be reward once.¹⁰

The above *Hadith* shows that the door of *ijtihad* is still opened which gives room for new issues to be tackled accordingly by the jurists as the world is changing from generation to another, from one community to another. For example, the use of G.S.M handsets, internet etc serves the Muslims community in many ways thus, it is a welcome idea, provide Islamic values is fully applied in their usages, as Islam always embraces anything good.

Therefore *ijtihad* and *Taqlid* will forever remained open to the Muslims from generation to generation so that Muslims in every age can interpret the *Shariah* in the light of the current problems and conditions of their society to solve the problems of their age, but this interpretation and *taqlid* must always rest on the texts of Qur`an and *Sunnah*.

The reality is that *Taqlid* is allowed in Islam provided Islamic values were appropriately put in place, and all the four schools Imams voiced it out that when ever their opinions differ in either the Qur`an or Hadith it should be rejected because ther is nothing above Qur`an and *Hadith*. In the Nigeria as a whole and majority of the Muslims were adherents of Maliki school of law, and where a ruling contradicts the

teachings of the Qur`an or *Hadith* they suppose to refer back to the sources (Qur`an and *Hadith*).All the Imams of four schools of law agreed that in case any of their verdicts goes against the teachings of the Qur`an and *Hadith* such should be regarded as null an void.¹¹ In this regard Imam Malik said:

I am but a human being, I may be wrong and I may be right. So first examine what I say, if it complies with the Qur`an and The *Sunnah*, then you may accept it, but if it does not comply With them, then you should reject it.¹²

Imam al-Shafi`i (Muhammad bn Idiris al-Shafi`i d. 820A.H) also said:

If my opinion differs from a Tradition, the you should follow the Tradition and never imitate me. If a report is later authenticated as being a Tradition, then whatever I had opined contrary to it is no more valid and you should only follow the Tradition.¹³

Imam Abu Hanifah (d.767 A H) said:

It is not right on the part of any one to adopt what we opined Unless he knows from where we derived it.¹⁴

Imam Ahmad bn Hambal (d. 885 AH) on the other hand said:

I am not a man of dogmatic theology, rather am I against it.Only what is in the Qur`an and the *Sunnah* or what has been authentically related by the Companions of the Prophet (S.A.W) can be considered.¹⁵

CONCLUSION

It can be seen from the above that none of the four leaders of the accepted schools of law regarded his opinion as superior to the Qur`an and *Sunnah*. It is now understood that environments, conditions, circumstances changes from one generation to another, from one community to another and to suits the needs of every age *taqlid* is applied to any new phenomenon provided it is within the confines of Islam.

End notes

1. I.M. Bello, Reflection on the science of Islamic jurisprudence, nadabo print production, Kaduna (nd) pp.35-6
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3. I.M. Bello. Opcit p. 40
4. Qur`an:9:124
5. I. Hazm, usool at Al-ahkam, np, np, nd, p.149
6. Ibid
7. Ibid p. 74
8. M.Abdussalam, madkhal al-fiqh-al-islamee,Dar-alqumiyah,(nd), p.14
9. Ibid

10. M. muslim, sahih al-Bukhari, vol11, Islamic publication bureau, Lebanon, 1980, Hadith no.33
11. M. Abdulsalam oplit p.35.
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