

The Importance of Sectarianism in Jurisprudence

Sodikov Jurabek Sobirboyevich ¹

¹ INTERNATIONAL ISLAMIC ACADEMY OF UZBEKISTAN, PhD, senior teacher of the Islamic Studies and Study of Islamic Civilization ICESCO chair

Abstract:

In the Islāmic world, the issue of fiqh taqlid, i.e. sectarianism, has always been relevant. There are many examples from history and today that sectarianism leads to great problems and seditions in many Muslim countries.

Most of the scholars recognized in the Islāmic world have emphasized the necessity of sectarianism and have shown many positive aspects of fiqh taqlid in their works. In particular, every Islāmic scholar who considers himself to be a member of a fiqh sect approached this issue as a responsible task of choosing the right path for himself and the entire Muslim community.

Keywords: jurisprudence, taqlīd, madhhab, ijtihād, bid‘at, disagreement, talfiq.

In the "Encyclopedia of Islāmic Fiqh" classified under the auspices of the Ministry of Waqf of Kuwait at the end of the 20th century, with the cooperation of many famous scholars of that time, it is said about the importance of following madhhabs in fiqh matters:

"Islāmic jurisprudence has passed through different periods since its inception. It emerged as a law of justice, mercy and reform due to the attention of mature scholars to this pure sharī‘ah in all eras. Sects based on fixed foundations and sound rules served as schools of inquiry based on reliable evidence, deriving rulings from sources, and comparing sources and rulings to show their superiority. The evidence they rely on is primarily the Book of God and the Sunnah of His Messenger (p.b.u.h), as well as authentic consensus based on these two, correct comparisons, logical arguments, or methodological and jurisprudential rules.¹".

It is known that not everyone is able to independently judge the Qur’ān and Ḥadīth and understand their deep meanings.

¹ Mawsū‘at al- Fiqhīyah al- Kuwaytīyah. – 46 volumes. – V:1. – Kuvayt: Vizorat al-avqof va shun al-islamiyya,1983. – P. 9-10.

It is narrated from Mu'āwiya (r.a.). The Prophet (p.b.u.h) said: "Whoever Allah wills good for, He makes him a religious jurist."²

"Understanding means acceptance of knowledge by the hearer. That is why Allah is not described with this attribute. Because He will never remain without knowing or understanding anything. Something can be misunderstood or misunderstood, true or false. It is not possible to distinguish between the right and the- wrong parties until you understand their base of falsehood. Also, a person who follows a sect based on the truth must fully understand that it is the truth"³.

Ramaḍān Buti, a famous scientist who lived recently, considers the problem of sectarianism to be "the most dangerous heresy in Islām." He called non-sectarianism "a bridge to irreligion." Other scholars also hold similar opinions.

That is why scholars say: "People who have not reached the level of ijtihād should follow a certain school of thought."

In order not to go astray in religion, it is necessary to choose a certain sect and follow it. The scholars said: "Even a person who has reached a high level and has reached the level of comparing the arguments of the madhhabs and determining which one is the strongest, should not provoke others to talk about it, should not give a fatwa, it is permissible for him to act personally".⁴

Acting by mixing madhhabs, that is, a person who has not attained the status of mujtahid after mastering the conditions of Sharī'ah ijtihād, receives a fatwa from different madhhabs and acts according to his wishes, is called "talfiq" in Sharī'ah. To put it simply, Talfiq is a branch of non-sectarianism. The jurists of the four madhhabs rejected this interpretation:

- 1) One of the Ḥanafīs, Shaykh Ibn 'Ābidin in his commentary on "Baḥr al-rā'iq" says: "It is not possible for a mufti of a certain sect to follow the path of another sect and issue a fatwa on a matter that is clearly stated in his sect."⁵
- 2) Among the Mālikīs, Imām Naḥrawī says in "Fawākih ad- Dīwānī"⁶: "The Muslim community agreed on the obligation to follow one of the four Imams. Except for the people of ijtihād."
- 3) Jalāl al-Dīn Maḥallī from the Shāfi'īs, in his commentary of "Jam' al-jawāmi'"⁷, says: "The most accurate statement is that, as long as the Umayyads are not in the rank of ijtihād, it is necessary to imitate a certain madhhab." It doesn't matter if he believes that another madhhab is equal or better than his own."
- 4) Among the Ḥanbalīs, Mardāwī says in "al- Inṣāf"⁸: "Riwayāt al- Kubrā" says that every muqallid who has not reached the rank of ijtihād must imitate a particular madhhab. The people of Ijtihād are excepted. There are some scholars of Ahl al-Sunnah who say that "it is not necessary to imitate a certain madhhab." But in these words, they also mentioned the condition of ijtihād."

² Muḥammad ibn Ibrāhīm al- Bukhārī. al-Jāmi' al-ṣaḥīḥ. – Riyadh: Bayt al-afkor, 1998. – P. 39.; Muslim ibn al- Ḥajjāj al-Qushayrī. Ṣaḥīḥ Muslim. – Cairo: Dar al- ḥadīth, 1991. – P. 718.; Aḥmad ibn Ḥanbal. Musnad al- imām Aḥmad ibn Ḥanbal. –V:12. – Beirut: Muassasa ar-Risala , 1997. – P.121.; Muḥammad ibn 'Īsā at-Tirmidhī. Jāmi' al-kabīr lit- Tirmidhī. – V:4. — Beirut: Dar al-g'arb al-islamiy, 1996. – P. 385.

³ Abū al -Wafā' 'Alī ibn Aqil ibn Muḥammad al- Baghdādī. Al-wāḍiḥ fī uṣūl al-fiqh.– V:1. – Beirut: Muassasa ar-risala, 1999. – B.25.

⁴ Shayx Muhammad Sodiq Muhammad Yusuf. Kifoya. – V:1. – Tashkent: Sharq nashryoti, 2008. – P.12.

⁵ Ibn 'Ābidin. Minḥa al- Khāliq 'alā Baḥr al-rā'iq. – V:6. – Beirut: Dor al-kutub al-ilmiyya, 1998. – P. 289.

⁶ Aḥmad ibn Ghanīm Naḥrawī. Al- Fawākih ad- Dīwānī. – V:2. – Beirut: Dor al-kutub al-ilmiyya, 1997. – P.357.

⁷ Jalāl al-Dīn Maḥallī. Sharḥ Maḥallī 'alā Jam' al-jawāmi' . – V:2. – Ar-Riyoz: Maktaba ar-Rushd, 2007. – P.440.

⁸ Imom Mardāwī. Al- Inṣāf fī ma'rifat al-rājiḥ min al-khilāf. – V:11.– Misr Matbaat as-sunnat al-muhammadiyya, 2009. – P. 194.

As a conclusion to the above thoughts, the following sentences can be cited in Allama Zafar Ahmad Uthmani's work entitled "I'la' al-sunan":

"... To tell the truth, all the imams who are followed in Islām are mustaqim and are on the right path. If a madhhab of some of them is spread in a country and there are many scholars of it, then it is obligatory for a person who has not reached the level of ijtihād to follow that madhhab. It is not permissible for him to follow a sect that is not widespread in his country and does not have many scholars. Because, in such a case, it will be impossible for him to learn all the rulings of this sect. This should be well understood. Inshallah, the truth is no different⁹».

It is necessary for every ordinary Muslim to follow his scholars in matters that have arisen. Therefore, the essence of such issues cannot be reached without sufficient knowledge. As a result, the position of the document will not be clear. Because science consists of several stages, and it is useless to strive for the top one without reaching the next one.

Scholars did not disagree about the need for the common people to imitate their scholars. By this, they wanted the meaning of the following verse of Allah Almighty:

“ If ye Realise this not, ask of those Who possess the Message”¹⁰

Also, the scholars agreed that if a blind person has difficulty in determining the Qibla, he should imitate someone he trusts.

One of the reasons for the condemnation of sectarianism is that it leads to the neglect of very important and important areas for the Muslim masses as a result of focusing all the attention of Muslims on minor controversial issues.

Recently, disagreements on jurisprudential issues and disagreements between representatives of different sects have flared up again. The issues that were deeply studied by the scholars of the sect have been reopened. The problem of non-sectarianism has escalated among Muslims. Most of the scholars who have realized that these things do not lead to good results have repeatedly emphasized the necessity of sectarianism in jurisprudential matters.

References:

1. ‘Abd al-‘Azīz Manşūr. Translation and interpretation of the meanings of the Holy Qur’ān. – Tashkent: "Tashkent Islamic University" publishing house, 2004.
2. Abū al -Wafā’ ‘Alī ibn Aqil ibn Muḥammad al- Baghdādī. Al-wāḍiḥ fī uṣūl al-fiqh. – Beirut: Muassasa ar-risala, 1999.
3. Mawsū‘at al- Fiqhīyah al- Kuwaytīyah. – 46 volumes. – V:1. – Kuvayt: Vizorat al-avqof va shun al-islamiyya,1983.
4. Shayx Muhammad Sodiq Muhammad Yusuf. Kifoya. – Tashkent: Sharq publishing house, 2008.
5. Shayx Muhammad Sodiq Muhammad Yusuf. Vasatiya - hayot yo‘li. –Tashkent: Sharq publishing house, 2006.

⁹ Zafar ‘Uthmān Tahānawī. I’la’ al-sunan. –V:20. – Karachi:Idora al- Qur’ān va ulum al-islamiyya,hij.1401. – P. 290.

¹⁰ Translation and interpretation of the meanings of the Holy Qur’ān / The author of the translation and comments is ‘Abd al-‘Azīz Manşūr.. - Tashkent: Tashkent Islamic University, 2018. - P.278.