CHAPTER : V
EXPLORATION OF *IJTIHAD* AND *TAQLID*

In the previous chapter Shah Wali-u Allah’s treatment to fiqh disagreements was studied and the ethics of the differences between the fuqaha during the various stages of Muslim history was critically discussed to analyse the Shah’s synthetic approach to the subject. In the present chapter a related theme *ijtihad* and *taqlid* -- that finds a serious treatment in the works of Shah Wali-u Allah¹, will be examined. Here an attempt will be made to discuss Wali-u Allah’s exploration of *ijtihad* and *taqlid* vis-a-vis its implications.

*iJtihad* is from the root word ‘jahad’ which means 'to strive, labour, toil or exert one’s power or efforts or ability. So *ijtihad* literally means striving or exerting to one’s utmost power or efforts or ability in prosecuting the affair². As a technical term of fiqh it means the fiqhi’s (jurist’s) exerting the faculties (of mind) to the utmost to form an opinion in a case of law. It attempts to is work out a solution of any difficulty in the law by using reason and comparison. According to Abu Ishaq Shatibi (d.790/1388) an eminent jurist of Islam, defines *ijtihad* is:

¹ These works are *Iqd al -jiad fi Ahkām al-Ijtihād Wa al-Taqlīd, al-Insāf fi Bayān Asbāb Ikhtilāf and Hujjat Allāh al-Bālighah*.

An extreme intellectual effort employed by expert interpreters to have a correct and definite perception of the original basic maxims of Islamic law with a view to derive operative orders therefrom to provide the necessary legal solution of the problems and issues faced by an Islamic society at any stage of its development. The whole purpose of interpretative efforts is to legal rules which a society needs to meet an unending stream of new controversies, conflicts and disputations arising out of the eternal problem of conflicting interests, human and material.

While summarising the meaning of *ijtihad*, Amidi (d.631 A.H.) says that *ijtihad* is that academic research of the *mujtahid* who exerts his utmost intellectual endeavour in it to legislate the laws of the Shariah wherever the *nasūs* are silent. Therefore, *ijtihād* is basically an intellectual effort which the *mujtahid* exercises to his utmost for deriving a solution to the issue in question. The effort implies also the interpreting the ruling of the *nasūs* to apply them in required situations of life. Because of the diverse nature of *ijtihad*, it is, sometimes, classified into two categories – (1) *ijtihād-i nāqis* which is an interpretative effort of an average level, (2) *Ijtihād -i tam* which is performed in the matters where the *nasūs* (textual rulings) are silent and the derivate order to be inferred from the foundational principles of the *nasūs*.


Both the Qur'an and the Sunnah direct Muslims to exercise *ijtihād* and to formulate laws and settle the growing problems of their society under the new situations. In Qur'an the guidance is mentioned through highlighting the responsibility of the Prophet Muhammad (SAW) which is to decide the matters of the people according to Allah's guidance; and the mutual consultation of the believers is instructed to settle their social issues. Both the Prophet and the Believers are allowed to resort to *ijtihād* in the interpretation and application of Allah's guidance under the changing conditions of the times.

Prophet Muhammad (SAW) sanctions the exercise of *ijtihād* in his discourse with Mauz bin Jabal, the governor of Yeman (which is known as 'hadith Mu'az) and quoted by the narrator as following:

"The apostle of Allah, when he was sending Mu'az as the governor of Yamen, asked him when you will be called upon to decide a suit, then what will you do? Muaz replied that whatever is in the book of Allah, I will judge according to it. The Apostle observed, if it is not in the book of Allah? Mu'az said, I will judge according to the traditions of Apostle of Allah. The Apostle observed, if it is not in the traditions?"

6. Following verses from the Qur'ān reflect this guidance: "We have sent down to you the Book in truth, so that you might judge between men as guided by Allah" (al-Qur’ān, Nahal, 89). "Those who strive in our (cause) We will certainly guide them to Our paths". (al-Qur’ān, al-Baqarah, 228). "And (the believers) conduct their affairs by mutual consultation". (al-Qur’ān, al-Shura, 38).
Mu‘az replied, I will decide it according to my opinion. On hearing this Apostle of Allah was pleased, and as a gesture of his pleasure patted his chest and observed, thanks to Allah Who gave the messager of the Apostle of Allah divine guidance (God's graciousness) which is pleasing to Apostle of Allah.

In another hadith, the Prophet’s (SAW) appreciation of *ijtihad* reads as following:

*Whenever a faqhi decides, by means of interpretation, an issue presented to him correctly, then he gets twice the reward, while when he decides incorrectly, even then he gets reward.*

*ijtihad* has, therefore, attained a tremendous significance in the legal history of Islam, right from the times of the Prophet (SAW). With the change of times and the emergence of the new problems *ijtihad* has been performed by the Sahabah, their Successors and the i’ama of the legal schools of Islam (*madhâhib*). This early development of *ijtihad* is characteristic of various methods and modes which broaden its scope and adaptability.

The Prophet, as mentioned earlier, exercised *ijtihad* and allowed his Sahabah to perform it whenever they would find its need. Some groups of Muslims do not conform to the view that the Prophet exercised *ijtihad* or opinion as they think that the revelation

---

from Allah alone used to guide him in all matters of life. The majority of the Muslims, however, admit that the Prophet (SAW) performed *ijtihad* occasionally keeping the spirit of Revelation (*wahi mathlu*) in consideration. The latter trace this exercise of *ijtihad* of the Prophet in the Qur'anic verses which invite the Muslim to use his thinking in order to understand the guidance of Allah, and in his practices of daily life. The Prophet's agreement to the opinion of Abu Bakr in the issue of the treatment with the prisoners of Badr and at other occasions to the opinions of 'Umar are cited as the examples of his *ijtihad*. His resorting to opinion (*ra'y*) was on the occasion when no revelation had been received by him on the issue. The opinion becomes a Shariah ruling if it is confirmed by the revelation. In other words Allah does not let His Prophet act arbitrarily but checks his opinion by His retification and correction.

However, it were the immediate followers of the Prophet (Sahabah) who made ample use of *ijtihad* during their times, because they had to face new problems with the change of times and the expansion of the khilafah. A huge number of their decisions (*fatawa*) have been collected which depict their various methods and modes. Among the great Sahabah the *ijtihad* of Abu Bakr, 'Umar ibn Khattab, 'Uthman, Ali ibn Abu Talib,

---

10. Ibid., p.495.
11. Ibid; pp. 495 - 496.

---
Maymun ibn Mahran sums up the method of Abu Bakr's *ijtihād* as following:

Whenever a dispute was referred to him, Abu Bakr used to look into the Qur'an; if he found something according to which he could pass a judgement, he did so. If he could not find a solution in the Qur'an, but remembered some relevant aspect of the Prophet's Sunnah, he would judge according to that. If he could find nothing in the Sunnah, he would go and say to the Muslim: 'Such and such a dispute has been referred to me. Do any of you know anything in the Prophet's Sunnah according to which judgement may be passed? If someone was able to answer his question and provide relevant information, Abu Bakr would say: Praise be to Allah who has enabled some of us to remember what they have learnt from our Prophet'. If he could not find any solution in the Sunnah, then he would gather the leaders and elite of the people and consult with them. If they agreed on a matter then he passes judgement on that basis.

If the above mentioned methods failed to produce any result to resolve the problem, Abu Bakr then resorted to his own opinion and interpreted the text (*nass*) in such a way as its legal implications become apparent or by exercising his own legal intelligence. The first method of *ijtihād* is found in his interpreting of the word *kalalah* of the Qur'an by which he means one who has neither ascendants nor descendants. The other method of *ijtihād* - istanbati method - is applied by him in respect of the denial

payment of zakah by some tribes of Medina. On this Abu Bakr told ‘Umar that he would not hesitate to wage a war against such refusers of zakah as, in his opinion, it amounted to the denial of Salah and hajj the two basic pillars of Islam. The same method of ijtihād is used by him in his decision that declares both mother’s mother and the father’s mother as heirs of the property of the deceased.

‘Umar’s ijtihādāt are also very important in the history of fiqh. His exercise of ijtihād is characteristic of paying serious consideration to the purposes of the Shariah and finding the reasoning behind a particular ruling. His method of ijtihād is explained in his following advice to Abu Musa Ash’ari, the qadi of Basra:

Judgement is to be passed on the basis of express Qur’anic imperatives or established Sunnah practices. Make sure that you understand clearly every case that is brought to you for which there is no applicable text of the Qur’an or the Sunnah. Yours, then, is a role of comparison and analogy, so as to distinguish similarities, in order to reach a judgement that seems nearest to justice and best in the sight of Allah.

In fact, analogy or (qiyās) owes much to its introduction in fiqh to ‘Umar ibn Khattab. By this method rā’y (opinion) is systematised to form the Shari’ah ruling. ‘Umar’s use of it was to explain the adaptability of the legal ruling under the

16. Ibid., p. 9.
exigencies. It is clear from the pronouncements of suspending the share of zakah given to reconcile the non-Muslims and disallowing the cutting of hand of a thief during the famine days and starting the distribution of conquered land among the army\textsuperscript{17}.

The other great Sahabah like ‘Uthman, ‘Ali, Abdullah Ibn Mas’ud had also done \textit{ijtihad} to settle the problems faced by them from time to time. Notwithstanding his calling the judgements or procedences of the first two khulafa as valid Shari’ah rulings, ‘Uthman performed his own \textit{ijtihad} on the issue of recitation of the Qur’an\textsuperscript{18} and the shortening of the Salah in Mina when he performed Hajj\textsuperscript{19}. ‘Ali the fourth caliph of Islam\textsuperscript{20} gave a number of \textit{fatwa} (legal judgements) which are of great significance. Unlike ‘Uthman, he reconsidered some issues decided by ‘Umar and gave his own decisions. For example with regard to \textit{iddah} ‘Umar was of the opinion that if a woman marries before the expiry of \textit{iddah}, the person whom she had married should be given a few strips and they should be separated. However, they could marry after the period of \textit{iddah} was over provided the consumation (\textit{muqarbah}) has not taken place. If this had happened the marriage, in his opinion was unlawful and they could marry after the completion of the two \textit{iddahās} (waiting periods). Ali ibn Talib, however, differs with ‘Umar on the issue and calls there marriage of the two legitimate provided the woman

\begin{itemize}
\item[18.] On his \textit{ijtihad}, ‘Uthman held that all people should read the Qur’an according to Zayd’s way of recitation which he thought as the most sound way.
\item[20.] Earlier he had been appointed as the judge of Yemen by the Prophet (SAW).
\end{itemize}
has completed her *iddah* after attaining the divorce from her first husband\(^{21}\). Again Ali’s opinion is at variance with ‘Umar who holds that the *iddah* of a pregnant woman is upto her delivery time while the former is of the opinion that it should be either four months and ten days are the delivery time whichever is later\(^{22}\). Unlike ‘Umar, ‘Ali and Abu Musa ‘Ash’ari do not consider the three continuous talâqs a single talâq but as three talâqs by which the marital relations between the couple become unlawful\(^{23}\). ‘Ali Ibn Abu Talib’s opinion is that three talaqs are required when a slave-girl is to be divorced by a free-husband and Uthman ibn ‘Affan and Zaid hold that only two *talaqs* are required for such a divorce\(^{24}\).

*Ijtihād* under the Sahabah and the Tabi’in served as a source of the Shariah. Since both the generations had a good understanding of the Qur’an and the Sunnah, they formed easily their *ra’y* on the issues faced by them. Their *r’ay* was in consonance with the spirit of the Shari’ah. They exercised *ijtihād* both at the individual and the collective

---

24. Talaq is the legal means of dissolving the contract of marriage. It is permitted by the Shariah when the couple is not satisfied to continue their tie and their living together becomes totally intolerable. After uttering one or two talaqs a person can have re-course to his wife but on the third *talaq* she becomes unlawful to him until she gets married to the other person and is divorced by the later. See M. Hassan Khatib, *Fiqh al Islam* (Urdu Trans.), Nafis Academy, Karachi, pp.80-88.
(ijma' which was prevalent under the Khulafa al-Rashidun) levels. Their *ijtihad* was characteristic of *qiyaṣ*, *istiṣḥāb*, *istiṣḥān* and *istiṣlah*\(^{25}\). Although most of these terms had not been used by them, yet their fiqh formulations are identical with them, bearing wide scope and expediency.

*Ijtihad*, however, found a remarkable development during the later half of the second century and the third century Hijra. During this period the legal schools (*madhāhib*) of the illustrious mujtahidīn developed and spread far and wide. All the four Sunni Schools of law - the Hanafi, the Maliki, the Shafi'i and the Hanbali - resorted to *ijtihād* in their fiqh. Their *ijtihād* is more systematic than their predecessor fuqaha.

In the fiqh of Abu Hanifah (d.150/767) an extensive use of *ijtihād* is found. While settling the legal issues faced by him, Abu Hanifah used various methods of *ijtihād*. Wherever there was no definite directions (*nasūs*) available he exercised *qiyaṣ* by discovering the common cause (*illah*) between the original and the parallel cases or, sometimes, on the basis of mere resemblances between *asl* (original) and *far'a* (derivative). That is why the Iraqi fuqaha demanded “four-fold confession of the culprit before incurring of the hadud punishment for adultery by an analogy with the four witnesses prescribed in the Qur’an”\(^{26}\). Abu Hanifah’s another method of exercising

\(^{25}\) For the detailed discussion on these terms see the infra pages of the present chapter.

ijtihad was his application of logic to it. For example he allowed one share of the booty to the rider for his mount in addition to man’s own share because he was of the opinion that an animal is not superior to man. Whereas the other fuqaha were of the opinion that the horse is entitled to the double share. Again when it becomes difficult to settle the socio-legal issue by qiyas, Abu Hanifah takes here the interest of the public into consideration and he calls this method istishan. It is the method that leaves qiyas aside and prefers the public interest and welfare.

Imami-i Malik (d.179/795) also resorts to ijtihad and considers it a source of fiqh. In his al-Muwatta Malik, frequently uses the term ijtihad in the sense of discretionary judgement. For example, when he is asked about a woman whose menstruation is complete but does not find water to take her bath, he pronounces that she should do tayamum to purify herself because she is like someone who is in a state of janabah and does not find water and performs tayamum. For the collection of zakah on mineral products he applies qiyas and places it into the category of crops from which one tenth is to be collected at the time of harvesting. Istishān that we come across in Abu Hanifah’s ijtihad is also applied by Imam-i Malik. His imposition of kaffārah (expiation) on a person who hits the belly of a pregnant women and cause miscarriage is within this principle of istishān. Combining magrib and išā’ prayers because of rain or

traveling is decided by him through istishān. Malik’s doctrine called al-masālih al mursalah (general good or interest) is more comprehensive than qiyās and it extends the scope of ijtihād. Like istishān it is the deduction on the basis of common good and social welfare.

In the fiqh of Imam-i shafi’i (d.204/819) and Imam-i Hanbal (d.241/855) ijtihād is accepted as a source of law. When there is no law available on any particular issue in the Qur’an, the sunnah and the ijma’, Shafi’i resorts to ijtihād. He attempts to confine it to qiyās which is to find the ruling through analogical reasoning. He criticises ijtihād bil ra’y (derivations of legal ruling through opinion) and establishes ijtihād bil qiyās (derivation through analogical reasoning). Shafi’i cites the Qur’anic verses and the hadith in support of ijtihād. He and some fuqaha of the school (madhab) criticise the Hanafi principle of istishān. This is because Shafi’i fears that the principle may be misused for the fulfilment of one’s desire instead of following the Qur’an and the sunnah. The argument is refuted for having little weight as the same objection can be raised to the Maliki doctrine of al-masālahi al-mursalah or Shafi’i’s doctrine of al-istishāb. Both these doctrines are identical with the definition of istishān - leaving qiyās aside in favour of the interest of the public – given by al Sarakshi.
Al-Shafi’i attempts to adopt more comprehensive and wider principle than *qiyaṣ* is to ensure the flexibility and adaptability of law while confronting with the new problems of the society. This he works out by means of *al-istishāb* which is presumption of continuity until there is a change established by evidence. His application of *istishāb* to the shari’ah rules is evident in his famous work on *fiqh*, *al-Umm*. He applies the doctrine to the issue of the traveller whom he allows to perform *wūdu* (ablution) with the water taken by the later in water-skin (*mashk*) and which he suspects of being polluted with something impure. In it *qiyaṣ* is set aside and *istishāb* applied which is not practically different from Abu Hanifah’s *istishān*.

Ahmad ibn Hanbal (d.241/855) and the fuqaha of his school also perform *ijtihād* to resolve the legal questions of the society. In his *fiqh*, Imam-i Hanbal uses the methods of *qiyaṣ* and masalah. According to Ibn Qudamah’s report, ibn Hanbal has said that ‘no person can decide the cases without resorting to *qiyaṣ*’. Ibn Hanbal and his fuqaha, however, have remained cautious about it that the *qiyaṣ* should not contradict with *nasūs*, and the purposes of the Shari’ah should be realised through this method. Their application of *istishāb* to the issues is more stringent as compared to that of the Hanafi’s *istishān* and the Maliki’s *istislāh*.

Since the Hanbali *fiqh* concentrates

35. Ibid.
36. Ibid.
38. Ibid., P.425.
more on the hadith and the *athan*, the application of *qiyaṣ* and *istislaḥ* finds little place in it\(^{39}\). Nevertheless, their resorting to the methods of *qiyaṣ* and *istislaḥ* in the *ijtihād* is characteristic of its extensive scope to face the unexpected problems of the times and it is further developed by the famous Hanbali fuqaha, of the subsequent age, like Ibn Qudamah (d.620/1223) Ibn Taymiyyah (662-729/1263-1328) and Ibn Qaym (b.692/1292).

**Shah Wali-u Allah on *Ijtihād***

Like the classical scholars of Islam, Shah Wali-u Allah was seriously concerned with the issue of *ijtihād*. Due to the disintegrating process of the Muslim power the practice of *ijtihād* had over the period been misused and misinterpreted, it led to the misunderstandings about this vital science of the Shari'ah. The confusion has been found at the various levels of Muslim thought. Some hold that *ijma* is infallible and *madhāhib* are an absolute *ijtihād*; and adherence (*taqlīd*) to *madhāhib* is thus enough\(^{40}\). Others are of the opinion that *taqlīd* is harmful and they supported *ijtihād* by which derivation of the precepts from the Qur'an and the Sunnah is made. To them only the Qur'an and the Sunnah matters. This view is upheld by the scholars like Muhammad ibn Ali al-Shawkani. (1172 - 1250/1759 - 1834) and Muhammad ibn ‘Abd al Wahhab (1115 - 1206/1703 - 1792)\(^{41}\). Wali-u Allah responds to these conflicting trends of Muslim

\(^{39}\) Ibid., p.432.


\(^{41}\) Ibid, PP. 196-197.
Shah Wali-u Allah’s definition of *ijtihād* is identical with those of the other classical scholars of Islam (*usulīn*). He defines *ijtihād* as an effort to understand the derivative (*furu*) rulings of the Shari‘ah by means of detailed arguments. It is, says the Shah, based on the four sources – the Qur’an, the Sunnah, *ijma*’ and *qiyās*. To him *ijtihād* is wider than the endeavour to perceive the principle worked out by the earlier scholars, no matter whether such an endeavour leads to disagreement or agreement with the early scholars. It is not limited by the consideration whether this effort is made with or without aid, received from some in their notification of the experts of questions involved in a given issue and their notifications over the sources of the principles through detailed arguments.

With regard to the pre-requisites of *ijtihād*, Wali-u Allah mentions five sciences (*ulūm*) as essential for a *mujtahid*.

1. He must know that much of the Qur’an and the hadith which is relevant to the principles involved.

2. He must know the matters on which the consensus (*ijma’*) of the community took place.

3. He must have the knowledge of the conditions of analogy (*qiyās*).

---

43. Ibid
4. He must have the knowledge of the method of arranging the premises properly in a case of analogy.

5. He must have the knowledge of Arabic language.  

These conditions of a mujtahid are elaborated by the Shah in the light of the observations made earlier by al-Ghazzali (d.505/1111) and al-Baghawi (d.685/1286). With regard to the knowledge of the Qur'an, he insists that the mujtahid should know which are abrogating (nāsikh) and the abrogated (mansukh) verses, the precise (mujamal) and the detailed (mafasir), the general ('ām) ordinances and the particular (khass) ones, ambiguous and unambiguous, disapprovals, prohibitions and approval and obligations.

About the hadith, Shah Wali-u Allah says that a mujtahid must have the knowledge of Sahih\textsuperscript{45}, Za'if\textsuperscript{46}, musnad\textsuperscript{47}, and mursal\textsuperscript{48}. He must know the application of the Hadith upon the Qur'an and of the Qur'an upon the hadith so that if he finds a particular Tradition, the outward meaning of which does not conform to the Book, he

\textsuperscript{44} Ibid, P.9 - 10.

\textsuperscript{45} It is an authentic narration in which continuity of the chain is preserved and is not an isolated one. It has not even any hidden defect.

\textsuperscript{46} Which does not fulfill the conditions of sahih or hasan hadith and as such is not acceptable in matters of aqa'id and ahkām.

\textsuperscript{47} That is isnād of the hadith uninterrupted and goes back to the Prophet (SAW).

\textsuperscript{48} Transmission of the Successor (Tab'i) from the Prophet directly dropping the Companion (Sahabah) from the isnād.
should try to interpret within the guidance of the Book and bring out its bearing for the hadith is an exposition of the Book. He needs access only to those Traditions which relate to the laws of the Shari'ah and not of the rest which contain stories, accounts of events and admonitions.

According to Shah Wali-u Allah, it is also incumbent upon a mujtahid to possess the lexical knowledge which is necessary to understand the passages of the Qur'an and the hadith. It is not, however, required that he should encompass the entire vocabulary of Arabic. His linguistic knowledge should be to such an extent so that he may be in a position to understand the real import of Arabic phrases. This is because the Shari'ah laws are in Arabic and one who does not know Arabic will not recognise the meaning intended by the law - given (the Prophet SAW). Knowledge of all these five sciences according to Shah Wali-u Allah are pre-requisite for a mujtahid otherwise he has to become among followers (muqalidin).

Classification of Ijtihad

Generally there are two classifications of ijtihad. One is from the Hanafi school and the other from the Shafi'i. In the former the mujtahidin are of five kinds – (1) mujtahid fil sharah, (2) mujtahid fil madhab, (3) mujtahid fil masā'il, (4) ashāb-i takhrīj

50. Ibid.
51. Ibid.
52. Ibid., PP.13-14
among muqalidin, (5) ashab-i tarji (preference) among muqalidin. The Shafi’i, on the other hand, classifies mujtahidin into four categories – (1) mujtahid -i mustaqil, (2) mujtahid mutlaq muntasib, (3) mujtahid fil madhab, (4) mujtahid fi al-fatwa or muhibhihr-i madhab. However, Shah Wali-u Allah follows the line of Shafi’i school and discusses the various categories of mujtahidin within this classification.

1. Mujtahid-i Mutlaq (Independent Mujtahid). According to Shah Wali-u Allah mujtahid-i mutlaq is one who possesses the three qualities with excellence which distinguishes him from the other mujtahidin and these are:

a) That he uses the fundamental principles of fiqh independently. He looks into the principles adopted by his predecessors consciously and critically. The Shah finds this quality adequately in Imam-i Shafi’i and quotes the latter’s following observations on the subject:

The real sources of the Shariah are the Qur'an and the Sunnah. If there is no clear-cut answer to the given question or problem then the principles of these sources are to be kept in view to solve it through qiyas (analogy). So far the Sunnah is concerned it amounts the narrations of Traditions with continuity and authenticity. As against the khabr-i wahid, ijma’ has more weight. The hadith is to be interpreted in terms of its external meaning. If it connotes many meanings then it is better to take the meaning that is closer to its external aspects. If there are many ahadith available on the matter the one having the chain of continuity should be given

preference and the one whose chain of narration is broken has no weight...54.

b) The second quality, says the Shah, is that the mujtāhid has to collect in a good deal of a large number of hadith and athār and identify properly their precepts. He must be acquainted with the Traditions which form the source of fiqh and must have the knowledge of preference (tarjih) and reconciliation (tatbiq) of Traditions. If there are many meanings of a hadith he should be capable to determine the single meaning of it. From the academic point of view, the Shah calls it an important and the higher quality of ijtihād55.

c) The third quality is that the mujtāhid must solve the questions, brought to him, through ijtihād if they had not been dealt with earlier. One more quality which Shah Wali-u Allah mentions about mujtahid-i mutlaq is that he should be such a scholar to whom mufasarīn, muhidīthin as well as the other fuqaha turn to him for seeking his guidance. However, the Shah does not consider it an essential quality of the mujtahid56.

2. Mujtahid-i Muntasib. According to Wali-u Allah a mujtahid-i muntasib is one who is affiliated with his master mujtahid in following the principles of fiqh. Among the three distinguished qualities of the mujtahid-i mutlaq, mentioned above, the mujtahid muntasib is a muqalid in the first one of his master and the

54. Shah Wali-u Allah, al Insāf fi Bayān Asbāb al Ikhtilāf, Delhi, PP. 107 - 108.
55. Ibid. PP.108 - 109.
56. Ibid. P. 109.
other two are found in him independently. It means that in matters of argumentation, principles of deriving laws and the method by which the two diverse arguments can be reconciled, are taken by the mujtahid-i muntasib from his master to whom he is affiliated. Many of his judgments are the answers to the problems not solved in the previous ages yet such kind of answers are not greater in number. In facing the new problems he depends upon the Qur’an, the Sunnah and the athar-i Salaf (sayings of the Sahabah and the tabi’in) without resorting to his master.

3. Mujtahid fil Madhab. It is a kind of affiliated ijtihād like the mujtahid muntasib. However unlike the ijtihād-i muntasib here the mujtahid follows both the two qualities of his master or imam – the principles of fiqh and the judgments. He also knows the methods of the imam and when a matter comes to him regarding which he does not find an unequivocal judgment by the imam, he exercises ijtihād in it in accordance with the school of the imam and elicits the judgments by proceeding parallel with the speeches of the imam and in the same manner. Unlike mujtahid-i muntasib, mujtahid fil madhab is more dependent upon his imams principles and methods which the latter had expanded over the various aspects of the fiqh.

57. Ibid. PP. 89 - 90.
58. Ibid. PP. 110 - 111.
4. **Mujtahid fi al Fatwa** or **Mutabihr fil Madhab**. According to the Shah, it is the lower degree of *ijtihād*. Here a *mujtahid* has a profound knowledge of his *madhab* and is capable to prefer one verdict to the other and one approach of the pupils' of the imam to the other of their approaches. According to Shah Wali-u Allah he must have, the right understanding of things, knowledge of Arabic language and its various styles, graduation of *tarjī* (preference) and the nature of *mutlaq* (definite) and *muqid* (confined) expressions of the Qur'an\(^59\).

On the subject of the classification of *ijtihad*, Shah wali-u Allah's views bear more affinity with Imam-i Shafi'i. According to his classification *mujtihad-i mustaqil mutlaq* (independent *mujtahid*) are the imams of the four fiqh Schools – Abu Hanifah, Malik Ibn Anas, Muhammad Idris Shafi‘i and Ahmad Ibn Hanbal. He views their *ijtihad* of high distinction, the height of which is impossible to attain by the subsequent scholars because the imams of the *madhāhib* lived in an age when access to the hadith and *athar*, in a critical manner, was easier. In the second category of *ijtihad-mujtahid-i minutasib* (affiliated *mujtahid*) the Shah includes Imam-i Muhammad, Abu Yusuf, Abu Umar ibn Abdul Bir, Imam-i Ghazzali, Jalal ud-Din Sayuti and Ibn Taymiyah. Each of them is affiliated to any of the four schools of fiqh. On the methodology of their preceptor - *mujtahid*, they formulated their opinions and decisions, whereas *mujtahid-i muqid* followed his master in both the method and the judgments and had expertise in *takhrij* and *tarjih*.

---

\(^59\) *Supra n.42, P. 17.*
It is worth to note here that Wali-u Allah views the merit of i’ama’s *ijtihād* as unrepeatable in the subsequent times. From this observation of the Shah it can be presumed that the former considers the *ijtihād* of iama-i madhāhib as final on fiqh methodology. Here the Shah seems at variance with some of the classical scholars of Islam like Ghazzali and Ibn Taymiyah. Even the latter Islamic scholars like Allama Bahrul Ulum (Muhl Allah bin Abdul Shakur), Dr. Muhammad Iqbal and Syyid Abul A’la Mawdudi (d.1979) do not agree with the Shah on this point. However, Sa’yyid Akbar Abadi (d.1984) tries to refute such interpretation about Shah Wali-u Allah which tends towards the finality of Ia’mah’s fiqh in the light of the observation made by Allama Bahrul Ulum on the subject. He attempts to reconcile the views of the latter with that of the Shah by saying that the *ijtihād* which Allama Bahural Ulum speaks of,


65. Cf. Syed Abul Ala Mawdudi, *Tafhimāt* Part 3, Markazi Maktaba Islami, Delhi, PP.
is not *ijtihād-i mutlaq* but *ijtihād-i muntasib* and this is held by the Shah as well. Since the Shah and Allama Bahral al Ulum talk about the two different kinds of *ijtihād*, the attempt at the reconciliation by Sayyid Akbar Abadi does not seem consistent.

The other implication of Wali-u Allah’s views on *ijtihād* is related to its rigidity and flexibility. He has dealt with both the aspects of the subject. By relying on the hadith and *aihār* that renders it the positive rigid character. Whereas by resorting to the method of *qiyyās* (analogy) *talfīq* (adjusting the ruling of one madhab into the other) or performing the *ijtihād-i tajzi‘* (*ijtihād* in certain field or matter) enriches his *ijtihād* with flexibility. This trend of his *ijtihād* makes its properly productive and prospective for human thought and civilization, a paradigm which the contemporary scholars of Islam do seriously attempt at.

**Taqlid**

*Taqlid* is from the root word *qald* which means twisting or wreathing a thing.

---


upon the other. As the necklaces are twined so the word came to refer to necklace, to ropes of camel destined to be sacrificed during hajj. In its usage *taqlid* attained the meanings of 'following', 'imposing upon', 'obliging', 'constraining', 'investing' which depict that the person has or is placed with some responsibility or constraint.

The classical scholars of Islam have defined *taqlid* in their writings variedly. For example Allama Kufal says that *taqlid* is:

To accept the saying of the speaker without knowing the source of speech.

Whereas Khuzarmi describes *taqlid* as:

Accepting any saying without looking into the argument.

Shiekh Jurjani says that *taqlid* means accepting the saying of others without justification and arguments.

Allama Amidi is of the opinion that it is accepting the opinion that does not follow any justified argument.

Allama Ibn Hamim writes:

To follow the saying of a person whose saying is not a justified thing...

72. Ibid.
73. Ibid.
74. Ibid.
75. Ibid.
Ghazzali; Qazi Abd al Nabi Ahmad Nagri and Shiekh Jurjani hold that *taqlid* means to accept the saying or opinion of the other person not on the basis of justification or research but on having a good assumption about him that his saying would be true\(^76\).

The above definitions show the agreement among the scholars on the general meaning of *taqlid* as accepting and acting upon the saying or opinion of the other person without trying to find its justification or proof. To these scholars such acceptance or adherence is out of the trust which the followers have in the person assuming that the latter would not pronounce a wrong decision. Hence *taqlid*, as a technical term of Islamic sciences, connotes accepting or adhering of a person - capable or incapable for *ijtihad* - to the opinion of the *mujtahid* (specialist in law) whom he trusts with this consideration that his decision would be valid and true.

**Taqlid and the Classical Scholars of Islam**

*Taqlid*, as mentioned above, in its legal sense means to follow the opinion of the *mujtahid in furu* (subsidiary) matters of the Shariʿah. In the fundamental beliefs of Islam there is no *taqlid* nor is it in *mansūs* precepts of the Shariʿah\(^78\).

---


78. Cf. Supra n.70, p.
The classical scholars of Islam are divided into two groups on the issue of *taqlīd*. One group finds its legitimacy in Islam and they permit its practice. The other group holds contrary opinion to it and disallows it. Among the first group are Abu Yousuf, Al-Alnidi, Ibn Humam, Imam-i Nuri, al-Ghazzali, Ibn Taymuyah, Imam Abd al-Bir. The second group includes Ibn Hazm, Shawkani, Ibn Qayam and Muhammad Ibn Abdul Wahhab.

Those who uphold *taqlīd* argue that:

a) There are many verses in the Qur'an that support the principle of *taqlīd*. The following among them are generally put forward by the group:

> You may inquire from the people who possess Admonition if you do not know this yourselves.\(^{79}\)

> But why did not some people from every habitation leave their homes in order to understand the way of Islam and to warn their people when they returned to them, so that they should refrain (from un-Islamic conduct)\(^{80}\).

b) Some of the Traditions of the Prophet also justify the practice of *taqlīd*. In one of the Traditions the Prophet is reported to have said:

> The just people of each coming generation would have the knowledge of this Din (Islam) and they would safeguard it against the distortion by the fanatics, the claims of un-true persons and the interpretations of the ignorants.\(^{81}\)

---


80. *Al-Qurān*, Tawbah, 123.

In another hadith the advice of ‘following’ goes thus:

You (the Sahabah) follow me by observing my practice and
you would be followed by the latter generation by means of
this observations.\(^8_2\).

c) \(\text{Taqlid}\) was in vogue during the times of the Sahabah as various Sahabah used to
inquire about the different matters of life from the other Sahabah who were
specialists in the Shar’iah sciences and thus followed their pronouncements.\(^8_3\).

d) \(\text{Taqlid}\) is inevitably required to a laymen (‘āmni) who is unable to derive the
ruling or guidance from the Qur’an and the Sunnah by himself. In order to guide
himself in day to day matters of life he has to resort to \textit{taqlid} of the mujtāhid.\(^8_4\).

e) There is ijma‘on \textit{taqlid}. Majority of the Muslims have concensus on following
any of the four imams’ \textit{madhhab}. This attitude developed among the Ummah
right from the fourth century Hijrah.\(^8_5\).

f) Even scholars who have thorough knowledge of Islamic sciences or expertise in
legal sciences cannot ignore the work and insights of the ia’ma in the field while
they deal with issues of the subject. Through \textit{taqrij}, \textit{tarjih}, \textit{intiqal-i madhab}, etc.

\(^{82}\) Ibid., p.31.

\(^{83}\) Ibid., pp.34-34.

\(^{84}\) Supra, n. 76.

\(^{85}\) Shah Wali-u Allah, \textit{Hujjat Allah al-\-Balighah}, p.376.
taqliād can be given a wide scope

However, those who do not approve of taqliād argue that:

a) There is no nass that supports the principle of taqliād. The verse 123 of Sura Tawbah\(^{87}\), quoted by the propounders of taqliād, is interpreted by the group differently. They understand by it that the learned have to enlighten others about the truth of Islam rather than emphasise upon ‘following’ or ‘adherence’. In support of the rejection of taqliād they rely on the following verse of the Qur'an which equates “taqliād” with polytheism (shirk):

‘They have made their scholars and monks as their lord besides Allah\(^{88}\),

b) Prophet Muhammad (SAW) has permitted the adherence to his Sunnah and that of his rightly guided khulafah (Khulafah-i Rashidin) and it does not apply to the madhab of the imams\(^{88}\).

c) The four imams even do not prescribe the following of their pronouncements but cautioned the people of taking them with justification and proof and prefer the hadith to their opinion\(^{89}\).

---

86. *Ibid.*, P.
d) *Taqlīd* discourages one's independent thinking and research, his faith tends to weaken in the absence of non-recognition of things and would confound the issues for which he seeks solution\(^90\).

Notwithstanding the refutation of *taqlīd* by some scholars, the majority of the Muslims have practically resorted to *taqlīd*. The scholars observe that even Ibn Qayym (1292-1350) does not reject *taqlīd* in principle but his rejection is to its negative extent - following a particular *mujtahid* so rigidly that makes the *muqallid* to ignore the *nasīṣa*\(^91\).

However, by following an imam or *mujtahid* does not mean that he is made the *shārah* (law-giver) having the authority of declaring lawful and unlawful in Islam. What makes people to follow them is the trust in their specialist and expertise knowledge of the Shar'īah and would lead the former towards the righteous path. With the passage of the time after the period of the Tabi‘un, *taqlīd* got practised by the community. The four Sunni *madhāhib* spread, far and wide due to this practice of *taqlīd* in the Muslim world.

**Shah Wali-u Allah’s Approach to *Taqlīd***

Shah Wali-u Allah deals with the issue of *taqlīd* at length in *Hujjat Allāh al-Bālighah, al-Insāf, Iqd-e Jaid and Tafihmat-e Illahiyyah*. His views on the subject do

---


91. *Supra* n.71, p.74
neither reflect the rigid position of the muqallidin-scholars nor the open externality (zāhiriyat) of the non-muqallidin; but are characteristic of moderate and balanced explorations.

Shah Wali-u Allah is in favour of the practice of taqlīd and he attributes many advantages to it. His legitimising of taqlīd is in its widest sense and in the best interests of Muslim ummah. He substantiates to his position on the following grounds:

a) For seeking knowledge about the Shari’ah the Ummah has unanimously trusted the salaf - the Tabā’īn trusted the Sahabah and the Tabī’īn the Tabi’īn. Later on the ulama trusted the learned who preceded them⁹².

b) During the period of the Sahabah and the Tabā’īn taqlīd as a positive principle was never denied. The Sahabah used to obtain decrees from the more learned Sahābah and same practice was followed by the Tabā’īn.

c) The Ummah has consensus (ijma’) on taqlīd of the imams. It is because the majority of them follow their pronouncements in one way or the other⁹⁴.

---


d) Legitimacy of taqlid is more evident in the later period of Muslim history i.e. after the fourth century Hijrah when the process of political disintegration started in the Muslim world and the easy access to the mujtahidin or ulama became impossible\textsuperscript{95}.

e) Since a layman (timmi) is incapable to derive Shari'ah commandements from its sources it, is therefore, necessary for him to follow the mujtahid. Seeking answers to the issues, which one faces in day to day life, from the mujtahid or an 'ālim on the part of the layman is out of trust in the former who represents the knowledge of the Shari'ah\textsuperscript{96}.

Thus, Shah Wali-u Allah legitimises taqlid both on naqli (reported) and aqli (rational) grounds. This view of Shah is contrary to the views of Ibn Hazam on taqlid, who declares taqlid as unlawful. While responding to Ibn Hazam, Wali-u Allah argues that former's view on taqlid is applicable to those who: (1) have some capacity to exercise ijtihad; even if he exercises it in a single matter\textsuperscript{97}. (2) would prefer qiyās and istanbūt to hadith. (3) would think that ijtihad is infallible\textsuperscript{98}. (4) would forbid the Hanafi from taking the fatwa from the Shafi'i mujtahid or vice versa\textsuperscript{99}. The opinion is not, says

\textsuperscript{95} Ibid.

\textsuperscript{96} Ibid; p.376.

\textsuperscript{97} Ibid; p.374.

\textsuperscript{98} Ibid; p.375.

\textsuperscript{99} Ibid.
the Shah, applicable to the persons (i) who follow Shari’ah according to the instructions of the Prophet (SAW) but has himself the knowledge of extracting laws from the sources of the Shari’ah and as such trusts any righteous scholar (taлим) of Islam. (ii) who follow the imam assuming that his pronouncement would be based on illah yet does not believe in the infallibility of it100.

It is clear from the writings of Shah Wali-u Allah that he has examined it in an extensive and broader frame-work of fiqh discipline. He classifies taqlid in the following categories:

1. Taqlid of a common man (taqlid-e maliz). A person who is devoid of the knowledge of Arabic and Islamic sciences and is unable to extract the Shari’ah rulings is called by the Shah a common man (timmi). According to Wali-u Allah such a man has to adhere (taqlid) to the pronouncements of the imam. He can choose any of the four madhâhib. Although there are differences among the scholars on the issue of following occasionally the madhab of the other imam, Shah-Wali-u Allah conforms to those who are in favour of this practice of intiqal-i madhab. The Shah’s conformation is, however, on the condition that the intiqâl (change) should not be for selfish motives. The premise of this relaxation is that the layman has no madhab of his own he, therefore, usually follows, an alim or mujtahid101.

100. Ibid: 376.
2. Taqlīd of the specialist of madhab (mutabhr-e madhab). Here the person, although, having the knowledge of Arabic and Islamic sciences yet has not reached the status of mujtahid and is as such placed among the muqaliddin. He specialises in the decrees and sayings of the imam and gives his opinion or decision on a matter from the books or pronouncements of his imam. This kind of taqlīd, however, differs with that of a common man (muqlīd-e mahz) in many ways - (i) Unlike the ‘amī he knows the arguments which mujtahid has forwarded in favour of a particular opinion. (ii) He is capable to give fatwa while following the pronouncement of the other madhab. (iii) Whenever there, arises contradiction between the mujtahids’ opinion and the hadith, the mutabhr-i madhab is allowed to resort to the hadith while as the ‘ammi is not capable to do this.102

3. Taqlīd of affiliated mujtahid (mujtahid fil madhab). This is third category of taqlīd. It is different from the first two categories of taqlīd. Here the person is a specialist in Islamic sciences and capable to derive the law from the Qur’ān, the Sunnah, the athār and the pronouncements of the imams of madahib yet has to depend on the principles and methods formulated by the latter in the field. These specialists can have differences with their master - mujtahids on the subsidiary or details of the Shari’ah yet, on the whole, they follow the rules of the imams of

102. Ibid; pp.102-134.
various schools of fiqh on the subject and, are, therefore, placed among the *muqllidin* of a specific kind\textsuperscript{103}.

Unlike the extremism of two groups about *taqlid*, Shah Wali-u Allah’s approach to *taqlid* is of moderate nature. He neither rejects *taqlid* outrightly, nor does he made it a binding principle for every Muslim - ‘āmmi, ‘ālim and *mujtahid*. His is the middle path which reconciles the two extreme positions of the Muslim scholars. This distinguished character of Shah Wali-u Allah’s explorations is discerned in his interpretation of some of the verses of the Qur’an, Traditions of the Prophet (SAW) justification for *taqlid* in broader historical perspective.

In his interpretation of the verses of the Qur’an which emphasise upon the obedience of Allah’s commandments as against those of the false law-givers (*shārih*) Wali-u Allah is seen as taking them with extensive implication and highlighting that seeking of knowledge about Allah’s Will or His commandments is in the form of following the righteous *mujtahidun* and ulama. He does not disagree with the interpretations of the verses by Ibn Hazam in toto but his disagreement is on the nature of their application. Wali-u Allah justifies *taqlid* as obligatory (*wājib*) upon the layman for the latters incapability of exercising *ijtihād*. However, he holds that it is not a must for a *mujtahid* who is expert in the sciences of the Shari’ah. The Shah substantiates his

\textsuperscript{103} Ibid; pp.92-102.
views on the basis of the hadith - follow that in which lies the greatest welfare\textsuperscript{104}. The madhab which accumulates both reported and rational knowledge about the Shari’ah are, according to the Shah, is never ignorable but is worth following in one form or the other for the general welfare of the ummah.

Secondly Shah Wali-u Allah’s conformation to the permissibility of taqlid is with the conditions which grant it positive character for the stability of the Community. Taqlid is allowed to the person who is either ignorant of the sciences of the Shari’ah or has the knowledge of the pronouncements of the imam as they could fulfill the purposes of the Shari’ah rulings properly. Taqlid is neither here generalised much nor narrowed strictly but given a moderate exploration by prescribing its practice as per the position of the individual and the circumstances. The Shah’s moderate approach is also reflected in his views when he suggests that one can occasionally follow the madhab of another imam provided it is not done for his selfish interests\textsuperscript{105}.

Thirdly, Wali-u Allah approaches taqlid in the broader context of Islamic history. He does not take taqlid simply as ‘following the opinion of others without justification’ but views it in its various gradations and categories- taqlid of a muhtabir-e madhab, taqlid of the mujtahid affiliated to the school of law (mujtahid fil madhab) and taqlid of the absolute mujtahid. These three categories of taqlid widen its scope in a positive way and support the intellectual creativity as well as the stability of the

\textsuperscript{104} Ibid; p.56.

\textsuperscript{105} Ibid; pp.114-120.
Community. Such a broader perspective of *taqlid* in Shah Wali-u Allah as against its narrow and rigid interpretations by some scholars highlight his moderate exploration by which an open freedom for giving the decrees is checked, on the one hand, and on the other hand, intellectual and social activity is given a right direction.

Shah Wali-u Allah’s views on *ijtihād* and *taqlid* influenced remarkably to his followers and the scholars as well as some schools of thought in the Indian subcontinent. His special concern with the promotion of *ijtihād* on the methodology set by the imams and the *mujtihīdīn* of Islam found a good response the scholars, among which directly Shah Abdul Aziz (b.1189/1775)\(^{106}\), Syed Isma’il (d.1247/1831)\(^{107}\), Maulana Abdul Hay\(^{108}\), Nawab Sidiq Hasan Khan (d.1350/1931)\(^{109}\), Maulana Nazir Ahmad Delhvi (d.1320/1902)\(^{110}\), influenced personalities. Most of them resorted to *ijtihād* and contributed much to the reformation of Indian society. Their special interest in Hadith led them to castigate the accretions and evil customs of the society and reform it on the pristine lines of Islam\(^{111}\). It was this creative and constructive activism which

\(^{106}\) See his *Malfuzāt* and *Faṭāwa*.

\(^{107}\) See his *Taqwiyat al Imān*.

\(^{108}\) M.Syed Abul Hasan Nadvi, *op.cit.*, pp.375 and 377

\(^{109}\) Ibid.

\(^{110}\) Ibid., pp. 394-395.

inspired his community with the rejuvenation that met a set back, in due course of time, under the hazards of British imperialism which dubbed it as ‘Wahhabism’\textsuperscript{112}.

Ahl-e Hadith movement of the Indian subcontinent seems to find its intellectual substance from the Shah’s views on \textit{ijtihad} and \textit{taqlid}. Wali-u Allah says that a \textit{mujtahid} should prefer those pronouncements of the \textit{ia’m} which are nearer to the hadith. According to him, hadith is a cardinal factor which a \textit{mujtihid} or \‘\textit{alim} cannot ignore while confronting the issues of the society. The Ahal-e Hadith school of thought in, conformation to this concern of the Shah, propounds the vitality of hadith in reforming the individual as well as social life\textsuperscript{113} of the Community. Notwithstanding the affiliation of Nawab Sidiq Hasan Khan and Maulana Nazir Ahmad Dehlvi with the scholars of the Shah’s seminary, there are many other scholars of the movement who seek support from the explorations of the Shah. Prominant among them are Maulana Hafiz Muhammad Mir Siyalkoti, Maulana Muhammad Isma’il Gojranwala and Maulana Sana Allah Amritsari. While elevating the Shah’s status as “hujjah on earth” Maulana Siyalkoti projects him as the fore-runner of Ahl-e Hadith movement in India\textsuperscript{114}. Maulana Gojranwala observes that although Shah Wali-u Allah speaks highly about the


\textsuperscript{113} Ibid; pp.117-118.

\textsuperscript{114} M. Hafiz Muhammad Ibrahim Mir Siyalikoti, \textit{Tārikh Ahl-e Hadith}, Maktaba al-Tawhid ‘Gafar Manzil Exth., Jamia Nagar, Delhi, p. 200.
fiqh of the ia’mā yet does not consider it final and infallible. Similarly Maulana Amritsari also seeks support from the Shah to propound his views on the subject\textsuperscript{115}.

Another group bearing the impact of Shah Wali-u Allah’s explorations is the follower of Abu Hanifa and it includes even the scholars of Darul Ulum Deoband. The followers of Abu Hanifah, particularly the common people, show the tremendous regard for the Shah as he promotes the practice of *taqlīd* and calls it a desirable thing in the Transoxiania region including the Indian subcontinent\textsuperscript{116}.

The scholars of Deoband seminary owe a good deal to the explorations of Wali-u Allah about *ijtihād* and *taqlīd*. Maulana Muhammad al Hasan\textsuperscript{117} Maulana Ubaid Allah Sindhi,\textsuperscript{118} Maulana Manazir Ahsan Gilani,\textsuperscript{119} Maulana Sayeed Akbar Abadi,\textsuperscript{120}

\textsuperscript{115} Maulana Muhammad Ismail Gojranwala, Tārikh Ahl-e Hadith Kā Mad wa Jazer, Majlis al- Dawat al-Islamia, Jamia Masjid, Delhi, pp.50-57.

\textsuperscript{116} Cf. Maulana Khayr Muhammad, “Hazrat Shah Wali-u Allah aur *Taqlīd*” in Al-Furqān (Shah Wali-u Allah Number) (ed. M. Manzoor Numani) Lucknow, 19; p. 376.

\textsuperscript{117} Cf. Aziz Ahmad; Islamic Modernism in India and Pakistan, Oxford University Pre-wss, London, 1967.

\textsuperscript{118} Cf. Maulana Ubaid Allah Sindhi, “Imam-i Wali-u Allah kī Hikmat ka ijmāli T’aruf” in Al-Furqān (Shah Wali-l-u Allah Number) and Shah Wali-u Allah Kī Siyāsī Tahrik.

\textsuperscript{119} Cf. Maulana Manazir Ahsan Gilani, Tazkirah Shah Wali-u Allah, Islami Academy, Pakistan, 1968.

\textsuperscript{120} Cf. Maulana Sayeed Ahmad Akbar Abadi, “Hazrat Shah Wali-u Allah Ka Nazriyah Ijtihād” in Fikr-i Islāmi Kī Taskīl-i Jadīd; Delhi and his Hazrat-i-Shah Wali-u Allah Kay Islami Nazriyāt, Jamhur Book Depot, Deoband.
Maulana Ashraf Ali Thanvi\textsuperscript{121}, Maulana Muhammad Taqi Uthmani\textsuperscript{122}, Maulana Muhammad Yusuf Binuri\textsuperscript{123} and Maulana Burhan ud-Din Sumbli\textsuperscript{124} are worth to note among those who appreciate Wali-u Allah’s views and consider them highly valuable and relevant to the diverse situations of Muslim society. Influenced by the Shah, their writings encouraged the popularity of the Hanafi fiqh as well as the exertion of \textit{ijtihad} within the prescribed methodology of the ia’ma\textsuperscript{124}.

This varied nature of the impact of Shah Wali-u Allah on the scholars of Islam, however, should not be misunderstood as a contradiction in his thought. The fact is that his view on the subject have a wider perspective and when he says that \textit{ijtihad} is obligatory in every age it implies that the \textit{ijtihad} of an affiliated 	extit{mujtahid} who fulfills the required qualification for the purpose and it does not apply to the non-\textit{mujtahid} or non-specialist (‘āmmi). Similarly when he talks about \textit{taqlīd}, he disassociates it from literal meaning but takes it in a positive sense of following the opinion or

\begin{itemize}
\item \textsuperscript{121} Cf. Maulana Ashraf Ali Thanvi, \textit{Al-Iqtisad fi 'Taqlīd wa al-Ijtihad}, Deoband.
\item \textsuperscript{123} Cf. Maulana Muhammad Yusuf, “Imam-i Shah Wali-u Allah aur Hanafiyat” in \textit{Al-Furqān} (Shah Wali-u Allah Number), Lucknow.
\item \textsuperscript{124} Cf. Maulana Burhan al-Din Sumbli, “Taqlīd” in \textit{Fikr-i Islāmi Ki Taskil-i Jadīd}, Delhi.
\item \textsuperscript{125} Cf. Shiekh Muhammad Ikram, \textit{Mauj-i Kauthar}, Adabi Dunya, Mitya Mahal, Delhi, 1991, pp.193-221.
\end{itemize}
pronouncement of the mujtahid with trust, of course, with certain conditions. He does not, however, mean by it a blind adherence to the mujtihad. In the former (ijtihad) the intellectual and creative activity of man is encouraged to face the problems and challenges of times and to ensure the reconstruction of the Shari’ah-oriented society. In the latter, though Wali-u Allah personally follows the Hanafi school, considers taqlid of the other four ia’ma as legitimate and extends it to many valid forms or grades giving it on the one hand, a wider scope and, on the other, due recognition in the community which has to pass through diverse situations and predicaments within and outside. This broader perspective of Wali-u Allah to the subject where ijtihad and taqlid are found interrelated to each other when he places the mujtahid and the ulama among the followers’ on account of their conforming to the rules and methods of their master mujtahids or specialists. The extensive implications and varied response or impact of the Shah’s views, therefore, owes much to this broader perspective and moderate stand on the subject.