THE CONCEPT OF TAMADHHUB (FOLLOWING MADHHAB FIQH) ACCORDING TO SA'ID RAMADHAN AL-BUTHI

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Abstrak

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The Concept of Tamadhbah

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Introduction

The history of Islamic movement stated that Muslim scholars in the second century have a merit in developing fiqh or Islamic jurisprudence. They mobilized their effort for searching the core of fiqh from the nace: al-Qur’an and -rith (this effort was known as ijtihad). Then there were groups who followed these scholars till emerged the term of madhhab or school of Islamic jurisprudence in next period. And there are 4 famous schools of Islamic jurisprudence still known till this era; Hanafi, Maliki, Shafi'i, and Hanbali.

After several centuries, the human effort for digging up Islamic Jurisprudence became weak. Muslims tended to follow one school and suggested the door of ijtihad had been closed. The blind fanatic movement emerged. A group who followed certain of school (of Islamic Jurisprudence) claimed their school had the true view and other schools were false. According to this condition, there was a group tried hard to leave from school and called their followers to merely hold on the main core of Islam, al-Qur’an and -rith. Because of these points, there are several questions want to be asked such as; Is madhhab unnecessary again in this era? Is there the advantage of following certain school? and more similar questions.

One of contemporary Muslim scholar that has deeply researched this case was Said Raman al-Bumi of Suriah’. He stated the necessary of following school for Muslims. He opposed the practice of following school (fitli-madhhabism) and wrote 2 books for this case. These books are: ‘Al-Imaad adhhabiyah Akhbaru BiFat'at T'arididu an-Syaiti’ah al-Islamiyah’ which (if)Ve the rebuttal for who denied the necessary of following school. The second book is ‘Al-salafiyah, Maralah Zamaniyah Mubarakah al-Madhhab trimilmun’56, a book that explains the true meaning of Salaf and discusses a group who refused the practice of following Madhhab. Al-Bimi not only wrote a book about this matter, he also discussed with one of leaders of this group to find the root of this problem. He tried to become so objective in order to be not trapped in fanatical understanding. The ‘Fear of thought’ between al-Bumi and this group became the famous discussion of this topic in the contemporary era.7

The meaning of madhabiyah

On his book, al-Buti used madhabiyah or madhabhahm for showing the practice of a person who follow madhhab. Al-Buti used madhabiyah as the synonym of tamadhbah. It does not matter because sometimes one scholar used different terminology than other scholars [because the

> He is the author of ‘The Door of Ijthad’ (1990), which examines the development of Islamic law and the role of scholars in shaping legal principles. In his book, he argues that the practice of following a specific school of thought in Islamic jurisprudence (madhabiyah) is both necessary and beneficial for the advancement of jurisprudence. He critiques the idea of closing the door of ijtihad, which he associates with the emergence of a single, authoritative voice in Islamic scholarship. Instead, he advocates for a pluralistic approach that allows for diversity and innovation within the Islamic legal tradition.

[1] His complete name is Muhammad Sirwah ibnu Mulla Raman ibnu Umar ibnu al-Bumi. Al-Buti was born in Hama, Turkey, in 1929. He was a scholar respected as a master in Islamic law, with a particular focus on the field of fiqh. His work has had a significant influence on Islamic scholarship and has been widely studied and referenced in modern times.


[3] It is a review of the work of a scholar who discusses the concept of madhabiyah and its implications for contemporary Islamic thought. The scholar argues that the practice of following a specific school of thought in Islamic jurisprudence (madhabiyah) is both necessary and beneficial for the advancement of jurisprudence. He critiques the idea of closing the door of ijtihad, which he associates with the emergence of a single, authoritative voice in Islamic scholarship. Instead, he advocates for a pluralistic approach that allows for diversity and innovation within the Islamic legal tradition.
different of place and time) for showing the same definition," Al-Buti said:

\[ 9 \times \text{date}, \text{year} \rightarrow \text{date} \times \text{year} \]

This definition can be seen as the practice of a person in the conditions that doesn't reach ihtidah degree that follows madhhab of Imam mujtahid either by keeping one opinion consistently or changing to one another (depending on the condition happened then). This definition has the similar meaning with common meaning as told in chapter here. Although a-Buti gave additional condition by insisting this practice is done consistently depending on one imam at not.

Another book that used the term of Madhhabiyah is belonging to Mani' ibn Hammed al-juhni, who wrote in "Anwar-ul-Muhaytah a-Shaytsarah", he defined Madhhabiyah as:

\[ 10 \times \text{date}, \text{year} \rightarrow \text{date} \times \text{year} \]

There is no different definition between al-Burjui's and Mani's's (Marini just added without asking the argumentation from al-Al-Quan or Sunnah). It can be concluded that madhhabiyah according to them has also same meaning with tanzadhab which means to follow individual who has ability to ihtidah either by holding on him forever or sometimes change to other opinion.

The case of it also can be found in Biyadah Majdahid of Ibn Rushdi who has its own terminology for showing some terms such as he used al-Hadith Tahtir for Hadithi al-rasul, that is derived from Hadithi-Muslim while majority of scholars used mutadah 'alaih. Many different terms were used by Ibn Rushdi while not commonly used by majority of scholars. See the explanation of translator in Introduction of Ibn Rushdi, Biyadah Majdahid. (Translated into Indonesian by Imam Ghazi Za'di et al) Third Edition. (Jakarta: Pustaka Aman, 2007), vol. 3, p. 111-119.

When the Muslim is obligated to leave madhhab?

It is not absolute for every Muslim to follow raddah. There are two conditions for the followers of madhhab to leave the opinion of their imam and not to follow it. Al-Buti stated:

a. First condition: When a person achieves the understanding of the problem (of several problems) has enough understandings and the ability for summarizing the law of the problems. This person must follow his own opinion (ihtidah) rather than follow his imam's opinion.

b. Second condition: If he doesn't see any Prophetic hadith that is on the contrary with the opinion of Imam madhhab who he follow and he is sure with the validity of that hadith and its evidence of the law. So he must follow the valid hadith than raddah opinion. This is because all Imams of four schools had commanded their friends and pupils to make a move to valid adadith if it is difference from their opinions. Therefore the moving to valid hadith is the core of madhhab of four Imams.

Clarification of Shafi statement: If the H hadith is true so that is my madhhab

There was agreement reached from every famous Imam of scholar that their opinion must follow the valid hadith As Imam Shafi said his famous statement,

\[ \sim \text{L} \sim \text{J} \sim \text{b} \]

If the \( H \) hadith is true so that is my madhhab?

\[ \sim \text{L} \sim \text{J} \sim \text{b} \]

For we know it by Hadith of \( \text{H} \) and Hadith of Imam Husain.

This is the famous wording that was claimed coming from Shafi'. However there were several wording versions of Shafi's statement about the topic above, the nearest statement in which similar with it is narrated from Abu Wand Musa Ibn Abl al-Jarad who said: Shafi said:

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On the other way, not every Muslim has authority to note I.tadhf that seems having a contradiction with the gilaliad of his inam and then it must be followed. There is requirement (as stated above) for every researcher to be understood carefully to result the right conclusion of law. 15

In this point, al-Büti narrated Imam Nawawi's statement from his book Al-Majmu'a which gives clarification about Shafi'I's statement as follow: w,} j = |(E1) = f. (O1 (W1, ... , J.: (W) (L. I. A. j ...
Lj = f Lj = L. I. A. til f ,. d0 = ... . L.; 3 = ... , L.; 3 = ... , L. A.
(0, ci, ci) h- = h ci k = h } = h. h- = h

Sahih also told that he left many I.tadhf that he know because there were conditions made leaving them is permissible (such as the I.tadhf is ma-ahh or specialized not to be used). 17

A person who has competence to decide whether a I.tadhf can be practiced is he who has Mutahhadh. Degree. And this is difficult requirement which not every person can attain it. Shafi'I also told that he left many I.tadhf that he know because there were conditions made leaving them is permissible (such as the I.tadhf is ma-ahh or specialized not to be used).

The core of I.tadhf is more essential than its explicit meaning (rahih h.tadhf), and only mutahhad has the competence to see its core.

Al-Büti added Ibn Taimiyah's statement that there are ten requirements for leaving inam madhhab to tadhf I.tadhf. Besides that, it is permissible to the scholar to leave the practice of I.tadhf if it is not renotated yet because the understanding of Islamic knowledge is wide. 18

Al-Büti argued that the valid evidence from Islam for the permissible of tadhf or following madhhab for who doesn't have mutahhad degree. This is the proof that the follower are permitted to choose certain madhhab that he trusted. 19

There is no prohibition for doing tadhf because it is allowed in Islam (masahiri)- according to the consensus of Muslim scholars.

There are two words usually used in defining the word 'follow' in Arabic, ictiba' and tadhf. Al-Büti had a notion that there is no different meaning among them. It is based on Qur'anic verse explaining about ictiba' that expresses the meaning tadhf. Allah said:

And they should consider the sign when those who have been followed disassociate themselves from those who followed them, and they will see the punishment, and cut off from them are the ties of relationship. Those who followed will

"And they should consider the sign when those who have been followed disassociate themselves from those who followed them, and they will see the punishment, and cut off from them are the ties of relationship. Those who followed will"
say, “If only we had another turn [at worldly life] so we could disassociate ourselves from them as they have disassociated themselves from us.” Thus will Allah show them their deeds as regrets upon them. And they are never to emerge from the Fire.”

By these verse al-Biti concluded that the meaning of tithe’s same with taqleed.22 According to al-Busi, taqleed is following one’s opinion without knowing its argumentation behind. Sometimes the follower has known the reason why he follows the certain mujtahid scholar, but he doesn’t know the reason why the mujtahid follow certain evidence.23

According to al-Ashqari, taqleed can be defined as taking one’s opinion without knowing its argumentation or to return to one’s opinion in which doesn’t have argumentation behind. The door of taqleed made his Imam’s opinion as his argument absolutely whether it is appropriated with sunnah or wrong by the verses or hadiths that are contradiction with it.24

Opposite with al-Busi’s opinion, al-Ashqari sees that the inviting for taqleed is danger invitation. It can invite Muslim to the stagnancy of Islamic thinking. It makes people stupid without any effort to understand Islamic law. 25

Al-Biti gave three reasons why taqleed or following one’s opinion is allowed in Islam, especially for who doesn’t have ability to do ijtihād.26

a. Allah said in al-Qur’ān:

And We sent not before you except men to whom We revealed [it] or whom We led [to it] or to whom We said, “Ask the People of the message.” So ask the People of the message if there is one of you who knows how to make them understand. The common scholars have agreed that this verse IS command for who does not know the law or its argumentation to follow what Allah has willed.

b. Al-Baqarah: 166-167

22opcit

23opcit


Those verses show that Allah commanded Muslims to follow, obey and entrust their matter to Him, His prophet and their leader, not to be individual and make own way and separate from their leader. (Al-Busi also gave the evidence from prophetic J.tadhth that shows every Muslim must follow their Imam in order to be safe from the

25 opcit

26opcit

27 opcit

28 opcit

29opcit

30opcit

31opcit

32 opcit

33opcit

34 Baid 4:57

35 opcit


37opcit
badness. It's narrated from Bukhari and Muslim by link of Hudaibah ibn al-Yaman that he said:

The people asked The Prophet about goodness and I asked him about the badness, because of fear that it will suffer me. I asked: "0 Prohpet of Allah, we were in jahiliyah and bad life, then Allah gave us this goodness (Islam). Will after this goodness come badness (again)?" The Prophet said: "Yes," I asked: "Will after the badness come the goodness?" He said, "Yes, but there will be dukhan in it." I asked, "What is dukhan in it?" He answered, "A group of people who doesn't use my guidance, you will know about them and refuse." I asked again, "Will after this goodness come the badness?" He answered, "Yes, there are people who invite to the doors of jahannam. The people who accept their invitation will they plunge into it." I said, "Please, tell their characteristics for us, O the Prophet of Allah!" He said, "They are from our group and speak with our language." I asked, "What will you order to us if it bear down upon us?" He said, "Hold on the jama'ah (community) of Muslims and their imam." 31

This Ijihat show that every Muslim must follow his brain and holds on the community of Muslims. It means forbidden to make own ijtihad without following Ijimatul Imaam especially if he has not capability to be Mujtahid. This is on contradiction with Salafi's opinion that every Muslim must make own ijtihad and following Ijimatul Imaam's opinion is heresy.

h. Second reason:

It comes from ijmat33 of the Prophet's Companions. It is truly that the understanding of Islam belonging to Prophet's Companions was different one another. And not everyone of them are Ahkii Fatwii or able to give fatwii. This was Ibn Khaldun said: There was no religion (understanding) taken from all of them.

- Daftab -as explained by Ibn Hajar al-Asqalani in Fathal Barii has several meaning: malice, calumny and broken in heart. Other said it is same with dukhan (smoke) that connotatively means chaotic that covers as smoke that becomes pollution. See the translator note in Al-Ibm. Muhamar Propaganda "Karrbaah Kapataa Qur'aan", op.cit. p. 196.
- Consensus of opinion
- Opicit P. 98

While it was mujtahid in their circle but the number of them were little. It's different with the number of followers who need fatwii who were in great quantities. The mujtahid in this era did not teach the law with explaining the argumentation behind to the mujtahid. The Prophet (peace be upon him) his self sent to the fatwii from his companions to the place where its people didn't know about Islam, its 'aqliyah and the conviction of its pillars. So this people follow everything what Fatwii delivered from acts, worships, relationships and transaction, halal and harml. Sometimes he found the problem which is not explained in al-Qur'an and Sunnah, then he made the ijtihad and gave it to them and they followed it.

Al-Biti narrated al-Ghazali's writing in his book a-Mustafaad in the chapter Taqdid and Isfiftii that the obligation of al-imami is to follow (taqdid) the ijtihad. The reason of it is iijra of the Prophet's Companions. They gave the fatwii to lay Muslims and didn't command them to attain the ijtihad degree."

Al-Buti also gave al-Amida's statement on his book a-Idkimm (3/171) that said:

"It had been ijma' that common people in the Companions and Tabi'in era -before the emerging people who are dispute in opinion- always asked fatwaa to mujtahid and follow them in laws of shari'a. The scholars immediately answered their question without telling its argumentation. Nobody denied it. Then, this matter became ijma' that common people are allowed to follow mujtahid. 38

The famous companions who were trusted to give fatwii in this era were a-Khulafa ar-Ra'aa'ah (Abu Bakr, 'Umar, Uthman and 'Ali), Abdullah ibn Mas'ud, Abu Musa al-Ash'abi, Muadh ibn Jabal, Ubay ibn Ka'b, Zaid ibn Thabit. The area of ijtihad had been extended in the tabi'in period. Each of the Muslims followed the ijtihad of Prophet's Companions. Despite of it, the ijtihad pattern on this period sourced to two major schools: Madhhab Ahl a-Ra'aa' and Madhhab Ahl al-Sadith. Every madhhab has own scholars and sometimes discussion between these

-Who gives fatwaa
-Who seeks the fatwaa

37 38: al-sta'Jl J a~ "$t\mu$ ^ "E"t\mu" 39

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scholars culminated in conflict. Even though, the lay Muslims who follow their opinion didn’t feel this conflict without denying one another. 39

3. Third reason:
Al-Buti stated the rational reason can be seen in what al-‘Allamah Abdullah Darraz.

"... the rational argument is if an individual who doesn’t have ability to madhhab faces with fur‘yu’ah case, (there are two possibilities will be done), sometimes gives its law without any foundation at all. And this is wrong according to ijma’ and sometimes gives its law based on researching the evidence that explained its law or by taqfly.d. The first (researching his self) is forbidden because in that case this man - have broken his right (who doesn’t have ability to madhhab) and other right- was never able research the evidences of many cases. He is busy with his livelihood, research the evidences of many cases) can make him leaving his profession and work, breaking the world because of ignoring work field and his inherit, and the principal, leaving his self from taqfly.d. That is very difficult (to be happened) ... That’s why the enough action is raqled and that must be done to do the obligation.”40

It means if a Muslim doesn’t have ability to ijihad and there happens the incident which is categorized as fur‘yu’ah or branch matter (not principal matter, and includes the dispute matter among consensus of scholars). And the process of concluding the law is difficult for him, then the last choice he cannot do but taqfly.d.

There is no prohibition for Muslims to follow certain madhhab

Al-Buti reaffirmed that the obligation of lay Muslims who don’t have knowledge about ijihad is taqfly.d or to follow mujtahid’s opinion. This command clearly has been stated in Al-Qur’an:

And We sent not before you, [O Muhammad], except men to whom We revealed [the message], so ask the people of the message if you do not know. 

42. Op cit P. 39.

A non-mujtahid Muslim is obligated to follow mujtahid in everything he doesn’t understand about its basic argumentation. This command is obligated without any requirement among these: the obligation to change the imam or to keep one imam forever.41

As addition of that, Taqi Udhmani narrated what Ibn Khaldun wrote in his book about taqfly.d, he said:

"The taqfly.d of four Imams became popular throughout Muslim cities and the taqfly.d of other scholars was forsaken. The doors of diverse opinions were closed were closed because so many academic terms were being used to denote so many different concepts and because it had become so difficult to reach the stage of a mujtahid. There was the apprehension that the title of mujtahid was attributed to one who was not worthy, or someone who is inauthentic (and cannot be trusted) in his opinion and in his religious practice. Scholars declared that attaining the stage of a mujtahid was not possible and restricted people to follow a particular imam. They prevented people from following imams alternately as this was tantamount to playing (with Islam).”43

The forbidden tamadhhub to be done

For discussing what Tamadhhub that is forbidden to be done by Muslims, al-Buti had explained there were three undisputed commandments (imam to khilaf, jibha) by the consensus of ‘ulama (Muslims scholars) and had been written in their books. The statements of Imam Ibn al-Qayyim, Tizzadin Ibn ‘Abd al-Salam, Shah al-Dahlawi and other scholars about taqfly.d and ijihad ranged about these three matters. From these matter, every Muslim is able to understand whether tamadhhub act that is forbidden or not. These agreed principles can be stated as follow:

a. First: that an individual who follow certain madhhab (muqallid) is not obligated by shar’to follow that madhhab continuously. No prohibition for muqallid (follower) to change to other madhhab.

Muslim community have agreed that muqallid is allowed to follow Mujtahid he want, if he is able to understand madhhab and its opinions.


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MuqaHid is also allowed to follow one of the four Irmams of maddhab forever. If there is statement that changing tawfiq from one maddhab to another is something bad, this is kind of bad fanaticism that deviates from Muslims agreement. This kind is forbidden Tamadhub to be done.

b. Second: When an individual is able to understand the problem deeply and its arguments from al-Qur’an, sunnah and ijthid methods, he must leave from tawfiq. This person who his quality of science has filled the requirement and has ability to ijthid, is forbidden to tawfiq. This principle had been agreed either by scholars or Irmams of maddhab. And of course, this person is not allowed to propose Imam’s opinion as superior than his ijthid in that case (which he has seriously researched its argumentation and method. If there are group who denied from this agreement, this is blemished fanaticism phenomena that must be avoided by Muslims. That's kind of forbidden tamadhub.

c. Third: All four Irmams are true. It means if they feel unsure with the truth of ijthid laws that Allah wants to His servants, their ijthid are toleratedly accepted by Allah. Then there is no way for each Imam but to follow his ijthid product. Therefore, when muqalid follow certain Imam of maddhab he want, is same with follow the right path. If he chooses one Imam of maddhab, he is not allowed to blame another maddhab. Because of that, Muslims scholars have made agreement that the followers of Hanafi school are allowed to pray behind Shafi’i or Maliki school, or its opposite."

Al-Ashqar also has written the negative side of tamadhub such as many disputes, division, impairment among Muslims because some followers of maddhab who saw that their maddhab is the true one than others."

This is what happened today. Many Muslims become blind fanatics and I'll consider that praying on congregation between different maddhab is not allowed in Islam! Then they make a number of groups of praying for different maddhab and so on in many similar cases. This invites division and hostility between Muslims community and make them hard to be united whereas the other problem like the attack of non-Islam who want to destroy the foundation of Islam was very much. This tamadhub fanaticism is forbidden in Islam. There is no foundation can be found in shar’i. Every Muslim is obligated to avoid these actions.

Al-Buti also stated that Imam Al-Dahabi forbid the followers of maddhab to be not fanatics for their Irmams and believe that maddhab they follow is the right one. He said:

"Don’t believe that your maddhab is the main maddhab and the most beloved by Allah. You never have any argumentation about that. And so the people who oppose you. Even though all Irmams are best. Two rewards for their true opinion of case, and one reward for the false. For solving this problem, a contemporary scholar Yusuf Al-Qarawi gives suggestions in order to give every Muslims in one movement, they are:

1. Seizing the statement, not who states it.
2. Admitting self default and recanting opinion bravely and unservedly.
3. Not embittering about other critics.
4. Self introspection and re-evaluation.
5. Asking advice and valuation from other.
6. Recanting self opinion which is included branch matter to hold the unity of Muslims community.
7. Taking benefit (science, good act, result of research) from other.

\[\text{Al-Bid}^{\text{2.11}}\]

\[\text{Syed Akram Kassab}, \text{Metode Dakwah Tanaf Al-Qarawiani}, \text{Translated by Mulydin Mau Rida to Indonesian}, \text{First edition, (Jakarta, Pustaka Al-Kautsar: 2010), p. 286.}\]
Conclusion

According to al-Buti, *tamadhhab* is something allowed by *ijma* (consensus of Muslims scholars). It is because not every Muslim is able to make his own *ijtihad* for every problem he faced. Thus, this can be entrusted to the qualified *imam* who has the authority to take essence of law from that problem. So there is no obligation for him except follow *imam*’s opinion.

Al-Buti also emphasizes that the essence of problematic matter of *tamadhhab* had been solved by scholars and *imams of madhhab*. They had built the standard foundation till every Muslim only needs to develop this building to be relevant and contextual with the condition in this era. Many contemporary problems were faced by Muslims over the world must be solved immediately. And the scholars and *imams of madhhab* had provided the guideline to solve these problems.

Al-Buti stated that the dangerous problems come to the Muslims community in this modern era are: the thought of atheism, moral decadency, and secularism of religion (from its foundation). Every Muslims should think about these matters seriously.

The implementation of al-Buti’s view about *ijtihad* must be taken place judiciously and proportionally. The contextualization of it must be based on the social condition of Muslims community that being difference one another according to their place live in. This is in order to avoid from crash and division that emerge because group fanaticism that views rigidly different opinion came from other group. *Wallahu a’lam.*

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