

Reconciling the Differences; Shah Walī Allāh's Concept of Ijtihād and Taqlīd

Ro'fah Mudzakir

ملخص

منذ أن أغلق العلماء باب الاجتهاد في القرون الوسطى، سادت مظاهر التقليد في البلاد الإسلامية، الأمر الذي لعب دوراً مهماً في انخراط البلاد الإسلامية في الجوانب الاجتماعية والسياسية على حد سواء. فقد بدأ شاه ولي الله الذي عُرف كأحد مجدددين المسلمين في الهند أعماله الاجتهادية في مجال الفقه. ومن ناحية أخرى، فإن حكومة المغول في الهند تحت قيادة شاه عالم بمادور شاه عانت من بعض الأزمات وبالتالي حدثت منازعات سببت في انخراط المسلمين على الصعيد السياسي.

وأخيراً قام شاه ولي الله بإجراء كثير من التعديلات وخاصة فيما يتعلق بالفكر الإسلامي. ومن خلال اجتهاداته انفتح باب الاجتهاد مرة أخرى وذلك لإزالة ظاهرة التقليد التي أصابت المسلمين. وتحاول هذه المقالة إلقاء الضوء على نظرية الاجتهاد والتقليد التي عرضها شاه ولي الله كما أنها تنظر الى الخلفية الاجتماعية والسياسية التي أثرت على الأفكار التعديدية لشاه ولي الله.

Abstrak

Sejak ijtihad dinyatakan ditutup oleh para ulama pada abad pertengahan, berbagai fenomena taqlid menjadi dominan di negara-negara Muslim. Hal ini pulalah yang kemudian ikut berperan dalam menjadikan terpuruknya negara-negara Muslim, baik secara sosial maupun politik. Shah Wali Allāh yang kita kenal sebagai pembaharu Islam di India, ternyata memulai pembaharuannya di bidang Fiqh. Pemerintahan Mughal India oleh Shah Alam Bahadur Shah, anaknya Awrangzeb, mengalami masa krisis sehingga banyak terjadi konflik yang menyebabkan kemunduran Islam dalam percaturan politik. Shah Wali Allāh akhirnya tampil dan melakukan banyak pembaharuan, terutama pembaharuan pemikiran dalam Islam. Di antara pembaharuan Shah Wali Allāh yang terkenal adalah dibukanya ijtihad untuk menghilangkan berbagai taqlid yang ada pada umat Islam. Artikel ini berusaha untuk melihat lebih dekat pada konsep ijtihad dan taqlid yang ditawarkan oleh Shah Wali Allāh. Selain itu, akan dilihat pula latar belakang sosial dan politik yang sangat berpengaruh terhadap konsep-konsep pembaharuan Shah Wali Allāh.

A. Introduction

Exemplifying by the case of al-Ghazālī, Hallāq argued that the link between the *mujaddid* and *mujtahid* in a sense that the former requires the accomplishment of the latter seems to be a widely accepted thesis, at least since the fifth and the sixth century of Islam.¹

¹If we trace back the historical development of Islamic law in general, the discourse on the necessity of Ijtihād and the condemnation of Taqlid in particular, can be referred back to the fifth century jurist such as Juwayni, Ghazālī and Ibn 'Aqil. In relation with the issue of the weakening of Caliphate institution and its legal impotency Juwayni (d.478/1085) introduced the idea that the ideal imam (Caliphate) was required to perform ijtihād, and not to be a muqallid, or when he does not fulfill the requirement of ijtihād he should let the jurist to perform his duty by providing him "with the help of power and protection". His disciple, Ghazālī, goes further in insisting the requirement to perform Ijtihād either by Caliph or Jurist, as a answer for the powerless of Caliphate institution. While this phenomenon suggesting that ijtihād gained its importance not only as a legal matters but also a political concern, the insistence of those jurist toward the urgency of ijtihād, according to Hallāq has led those jurist to assert themselves as mujtahid. Furthermore, back to our discussion of the link between ijtihād and religious

Those time onward the discussion on the importance of *ijtihād* and the condemnation of *taqlīd* could be easily found as a part of the thought of a religious renewal. Our figure, Shah Walī Allāh ad-Dihlawī,² is not the

renewal, Ghazālī was considered as the first figure who draw those link. Together with his insistence of *ijtihād* and his assertion of being mujtahid, Hallāq mentioned that Ghazālī was the first Muslim scholar who declare him-self as a revival who was "chosen by God to revive the religion of Islam", the claim which encourage jurist of both Shafi'i's and non-Shafi'i's school to attribute to him the "renovator of the sixth/century." See Wael B.Hallāq, "*The Gate of Ijtihād: A Study in Islamic Legal History*", Ph.D Dissertation: University of Washington, 1983, pp. 38-45. The message underline Ghazālī case is that one of the most important requirement of being mujaddid is he should be able to reach the rank of mujtahid. The above message, mujaddid is by definition a mujtahid, seems to be well-accepted thesis in the Islamic history. Going more forward on time to the tenth century for example, Suyūti (849/1445 – 911/1505) take Ghazālī position in the more profound way. Unlike Ghazālī who satisfy with the rank of *mujtahid fi'l madhhab*, (he is Shafi'ite) in gaining his ambition to be declared as mujaddid of the tenth century, Suyūti claiming himself as having reach the rank of mujtahid muṭlaq. Hallāq, *The Gate of Ijtihād*, pp. 76-78. Did Shah Walī Allāh expressed the same tendency, namely claiming for being a mujaddid and mujtahid? His statement in *Hujjatullah* and *Tafhimat* providing the strong impression to the presence of such a tendency in his thought. In *Hujjatullah* he remarked that :

"At times, God creates in my mind a balance, by which I know the causes of the differences of opinion occurred among the Muslim community.....and by which I can discern as to which opinion is right in the sight of God and the Prophet. Also, God has enabled me to establish this truth by both rational and traditional evidence." See Shah Walī Allāh, *Hujjatullah al Balighah*, vol.I, 321 as cited in Muin-ud-Din Ahmad Khan, "Shah Walī Allāh's Conception of Ijtihād" in *Journal of the Pakistan Historical Society*, July 1959, p. 173.

In *Tafhimat* the effort of Shah Walī Allāh to corroborate his claim of being mujaddid of the 12 century has been expressed in the following statement:

"We want to entrust you with important information, to wit that God has predestined grace for these days. He wants to pour forth important kinds of knowledge in our times. Thus, at the very moment of the light of prophet and saints were united in the *azīra al-quds*....it has the necessary result that the Universal Soul descended into a soul endowed with inner light who would reform the world as a whole." See Shah Walī Allāh, *Tafhimat*, vol.I, 100 as quoted in J.M.S. Baljon, *Religion and Thought of Shah Walī Allāh Dihlawi 1703-1762*, (Leiden: E.J.Brill, 1986), pp. 129-130.

His claim of mujtahid, however, is very much similar to those of Ghazali in a sense that he satisfy with the title of *mujtahid fi al madhhab*. This satisfaction may be clearly reflected on his view of *ijtihād* as we shall see in the later part of our discussion. One of the main points in Shah Walī Allāh view of *ijtihād* is that he allows *ijtihād* only within the established schools, while at the same time, he also profoundly bringing the notion of *tafiq*; combining the doctrines of more than one school.

²Quṭb-ud-Din Ahmad bin Abd-ar-Rahim, generally known as Shah Walī Allāh ad-Dihlawi was born in Delhi 4 Shawwal 1114 H/ 21 February 1703. His father who also his teacher and his spiritual guide, Shah 'Abd al-Rahim (d.1719) was an ulama in his

exception of the above phenomena.

Eighteenth century context of Shah Walī Allāh was a critical juncture for Muslims in sub-continent. Politically, Mughal India post-Aurangzeb was a weak emperor with internal disintegration and external rebellion. Internally, Shi'ī-Sunnī conflict which already began since the Akbār period, reaching its climax soon after the Shah Alām Bahādur Shah, Aurangzeb's son, took the power in 1707, and very much weakening the Mughal supremacy. Meanwhile many rebellion's groups quickly took the chance. Hindu Maratas's rebellion in the North forced Mughal to give them the province of Malwa in 1738, and then they managed to attack Mughal in 1757. Meanwhile the continuous threat of the militant Sikhs in Punjab during 1708 until 1716, as well as the won of Afghan tribe under Nadir Shah invasion in 1739 over mountains to the northwest, make the situation even worse.³ In such a situation, Shah Walī Allāh came into existence as "the master of the time" (*Qāid al-Zamān*) with the great hope to recover the political collapse of Indian Muslim society by trying to unify the Muslim and reconcile all the conflicts; between Sunnī and Shi'ī, Turani and Irani⁴, even between Muslim and Hindu. His

society who practice various branch of sufi order; Naqshabandiyah, Chistiyyah and Qadiriyyah. Shah Walī Allāh journey to Mecca and Medina in April 1731 to perform pilgrim as well as to study highly influence and shape his whole thought and life. It was after his return to India that he began to write prolifically in various branches of Islamic subjects, including his masterpiece *Hujjatullah al-Balighah*. The historical context of his life which is featured by disintegration, political instability and the loose of political power of Muslim India was very much influenced his thought. His effort to give the answer for all of those problem has led people to place him in the list of a religious renewal and an heir of his mujaddid predecessor such as Mulla Abd al-Hakim Sialkoti and Syaikh Ahmad Sirhindi. Compared with his predecessor, however, we find in his scholarship the crystallization of his ideas through an analytical and integrative approach to various branches of Islamic subject embodied in his writings, as well as in his institution, namely madrasah. Both of them, made his legacy keep alive in India. After teaching and instructing his student and disciple for more than a decade, he died on 29 Muharram 1179/1763. For further information on his life see Saiyid Athar Abbas Rizvi, *Shah Walī Allāh And His Times; A Study of Eighteenth Century Islam, Politics and Society in India* (Canberra: Ma'rifat Publishing House, 1980); Marcia K. Hermansen, *Shah Walī Allāh's theory of Religion in Hujat Allah al-Balighah With A Translation of Volume 1 Of Hujat Allah Balighah*, (Ph.D Dissertation, University of Chicago, 1982); G.N. Jalbani, *Life of Shah Walī Allāh*, (Delhi: Idarah-i Adabiyat-i, 1980).

³Rizvi, *Shah Walī Allāh*, pp. 111-173; Hermansen, *Shah Walī Allāh's theory*, p. 117; Marshal G.S. Hodgson, *The Venture of Islam*, (Chicago: University of Chicago Press, 1974), vol.3, pp. 144-147.

⁴In the History of Mughal empire the word Turani refers to the inhabitants of

religious thought, including his conception of *Ijtihād* and *Taqīd* as the main concern of this paper, reflect the above tendency.

This paper, therefore, offer a study of the *ijtihād* and *taqlīd* concept of Shah Walī Allāh by dealing with two questions. Besides the question of what is the so-called *ijtihād* and *taqlīd* according to Shah Walī Allāh, I will also deal with the question of why Shah holding such a view, since in my opinion, his socio-political background provide the influential point of his conception of *ijtihād* and *taqlīd*. In addition, the discussion of Shah Walī Allāh's concept of *ijtihād* and *taqlīd* will be based primarily on his legal treatise '*Iqd al-Jid fi bayāni ahkām al-ijtihād wa al-taqlīd*'.

B. Ijtihād and Taqlīd in Shah Walī Allāh's Religious Thought

Before going directly on the discussion of the Shah Walī Allāh's concept of *ijtihād* and *taqlīd*, it would be important to briefly touch his religious thought in general, especially for the purpose of placing his idea of *ijtihād* within his thought. A study on his masterpiece "*Hujjatullāh al Balīghah*" reveals that the striking point of Shah Walī Allāh's thought is his concern that "the contemporary Islamic tradition has fragmented into various sub division and that these sub division had further broken down into quarreling factions".⁵ In recognition of this phenomenon, he then, comes with the idea of harmonizing those sub divisions (i.e. diversity of opinions and perspectives) through an intellectual method as he himself called it *taṭbīq*.⁶

In commenting *taṭbīq*, Fazlur Rahman said that this term was used by Shah Walī Allāh in attempting to re-integrate the value-structure of Islam.⁷ In order to understand Rahman's point the discussion should be

the regions north of the Oxus or the Balkh south of the Oxus. Meanwhile the Irani's term attributed to the people of, what we know now, as Iran as well as the people of Qandahar, Gharjistan and Faryab. These two groups can be seen as some of the important element group of the Mughal Empire, besides the Indian Muslim, Rajputs and Afghan. They previously were independent region / tribal with their own leader until Zahir al-din Muhammad Babur, the founding father of Mughal conquered them. Soon after Mughal began to decline, especially during the eighteenth century the ethnic issue began to rise under one tendency; all of them try to get the Mughal throne. See Rizvi, *Shah Walī Allāh*, p. 24.

⁵ Hermansen, *Shah Walī Allāh's theory*, p. 3.

⁶ *Ibid.*

⁷ Fazlur Rahman, "The Thinker of Crisis: Shah Walī Allāh", in *Pakistan Quarterly*, Summer 1956, pp. 44-48

brought back to the socio-political context of the life of Shah Walī Allāh, the eighteenth century of Mughal Empire. As mentioned earlier, after the death of the powerful Mughal ruler, Awrangzeb the stable political climate has goon and subsequently the succession process of Mughal was colored by the dispute among Awrangzeb's sons⁸ and then continued with the close of Mughal emperors and the beginning of the new hegemony of king makers in which the Emperor plays merely as a puppet. This period, which span from the reign of Bahadur Shah I in 1707 until the British occupation of Delhi in 1803, marked by the emergency of many "rebellion's group" such as Hindu Marathas and Sikh, the invasion of Nadir Shah, the Afghan ruler, the supremacy of Rohillas over the puppet rules of Delhi and the subsequent rivalry between the Iranian and Turanian leaders.⁹ Shah Walī Allāh was an eyewitness of all these turmoils, as well as the observer of the general tendency of the deteriorating of the Muslim's power outside the India itself. Furthermore, besides the political scramble, the theological disputes also came into existence and contribute to the decreasing of the Muslim condition. The climax of this was when Muhammad Mu'azzam as Shah 'Alam Bahadūr Shah began to introduce his Shi'i policy¹⁰ against his own father's "ortho-

⁸ Awrangzeb leave three adult children; Muhammad Mu'azzam (he was 64 when his father died), A'zam Shah and Kam Bakhsh. The fact that all of them have already reach the adult age made them agree to divide the Emperor into three separated-independent areas, in which each of them became a ruler within this divided region. Unfortunately they seem to not able to avoid the conflict, in a sense that the two younger brothers, A'zam Shah and Kam Bakhsh could not received the "peace offer" of their oldest brother. Instead of acknowledging Mu'azzam as the most powerful ruler among them, both A'zam and Kam fight against him in the battle. Muazzam, however, ending the story by winning the competition and became a single ruler whereas his two brothers was killed in the battle. The accession of Bahadur Shah to the throne in 1311/1719 was coincident with the Shah Walī Allāh's replacement of his father position as a chair the madrasah. See Rizavi, *Shah Walī Allāh*, pp. 111-113; M.S. Hasan al-Ma'sumi, *An Appreciation of Shah Walī Allāh al-Muhaddith Ad-Dihlawi*, in *Islamic Culture* vol. XXI, 1947.

⁹ al-Ma'sumi, *An Appreciation*, p. 345.

¹⁰ His favor to Shi'i demonstrated in his order that the form of Khutba recited in Awrangzeb's reign has to be changed, notably by adding the long title for Ali range from "wāsi" (the Prophet rein), "son of the uncle of the prophet" and "the father of two spring". The new form of khutba, beyond Bahadur Shah awareness, has offended the orthodox Sunni feeling. As a result 100.000 Sunni muslim held the demonstration in Lahore rejected Bahadur Shah's policy. The demonstration, however, could be handled peacefully by Bahadur Shah's son, Prince "Azim al-Shan who in favor to the Sunni group of Lahore and reject his father order to destroy the rebellion. The support of the

dox Sunni" policies. This policy led to the re-emergence of the conflict between Sunni and Shi'i which was continuously became an issue during that century.¹¹ Disintegration and the political chaos, as illustrated above, caused Muslim in India to loose their political power, which unavoidably affect all phases of their other aspect of life; social, ethical, spiritual and religious.

In a such situation, Walī Allāh's concept of taṭbīq which lies on re-integration of the socio-economic and the religio-ethical structure of Islam, was very much expected as one of the solutions not only to regain the political power of Muslim in India in particular, but also to reconstruct more wider aspect of Islamic thoughts in general, since according to Shah Walī Allāh, the cause of the downfall of Muslim India was religious corruption and prejudices. This main concern of Shah Walī Allāh, in turn, has bestowed upon him the title of mujaddid or the reformer of the eighteenth century.

As a means to harmonizing the differences and integrating the Islamic structure, in practical level, taṭbīq for instance is an attempt to reconcile the differences among various groups within the scope of four schools of Islamic law.¹² Ijtihād then come in this point as operative principle for the purpose of creating "elasticity" and "cohesiveness" among the established school.¹³ We will discuss this point in later part of our discussion, suffice it to say here that under Shah's spirit of religious renewal, his idea on the importance of ijtiḥād and rejection of taqlīd find its position.

In addition, another significant point of his religious thought as stated in Hujjatullāh al Balighah is the concept of maṣlaḥah (salutary purposes). According to him the principle of maṣlaḥah –which could be said

Prince to Sunni group, in fact was also based on the political reason, namely gaining the support from the Lahore's Ulama in order to win the succession. See Rizvi, *Shah Walī Allāh*, pp. 114-116.

¹¹There was a story which indicating the extreme religious bigotry of both ulama Sunni and Shi'i, which perpetuated the un-going conflict of Sunni and Shi'i. Once Shah Walī Allāh was asked whether or not the Shi'i could be considered as infidel. Based on Shah's carefully attitude toward this issue, he answered that the Hanafite jurist has no agreement of the issues. The man who asked seemed to dissatisfy with the answer and even claim Shah as a Shi'i. Jalbani, *Life of Shah Walī Allāh*, p. 14.

¹²Hermansen, *Shah Walī Allāh's theory*, p. 4.

¹³Muin-ud-din Ahmad Khan, "Shah Walī Allāh's Conception of Ijtihād" in *Journal of the Pakistan Historical Society*, July 1959, p. 173.

as the foundation of his reform movement—is not only the reason for religious legislation, it is the basis of all creation, which resides in every act of God, as well as the “operative principle of the system of the universe”.¹⁴ In this sense, all the ordinances and the rules of morality and religion promulgated in the Qur’ān are the embodiment of maṣlaḥah. The need of ijtihād arises out of the necessity for this context, as it penetrate the salutary purposes in a given situation so as to be able to formulate a general rule in the light of the Qur’ān and the Sunnah to direct its course accordingly.¹⁵

While the importance of ijtihād is having its place in the religious thought of Shah Walī Allāh in general; for particular in his concept of taṭbīq and maṣlaḥah, his attitude toward ijtihād can also be seen in the general tendency of his age in dealing the matter. In his observation the existence of ijtihād throughout Islamic history, Hallāq argued that the general tendency of twelveeighteenth and thirteenthnineteenth century was “anti-taqīd”. Besides Shah Walī Allāh, Hallāq even provided some other names such as Ṣan’ani (d.1182/1768), Ibn Abd al-Wahhāb (d.1202/1787), Ibn Mu’ammār (d.1225/1810), Shawkānī (d.1255/1839), and Ibn ‘Alī al-Sānūsī (d.1313/1895), who stood against those who claimed that mujtahid were extinct and that the gate of ijtihād was closed.¹⁶

C. Shah Walī Allāh’s View of Ijtihād and Taqlīd

1. *Reconciling the Madhhab*

As mentioned earlier in this discussion that in line to his concept of taṭbīq – as a means to integrate and to harmonize the differences – ijtihād in Shah Walī Allāh’s opinion is being performed in purpose to reconcile the differences opinions among the four schools of Islamic law or in Hermansen words “ allowing flexibility within the established tradition but is not directed toward the problem of adapting new element”.¹⁷ This reconciliation embodied in his idea of *talfīq*¹⁸ in a sense that he allows

¹⁴ Muin-ud-din Ahmad Khan, “Shah Walī Allāh’s Conception of Ijtihād”, p. 170.

¹⁵ *Ibid.*

¹⁶ Hallāq, *The Gate of Ijtihād*, p. 90.

¹⁷ Hermansen, *Shah Walī Allāh’s theory*, p. 108.

¹⁸ Comes from the word *laḥaqa* or *laḥḥaqa* meaning “to sew” or “joining two cloth together”, “two patch together”. In legal meaning talfiq is “bringing together of certain element of two or more doctrine in such a manner as to create another different doctrine”. The validity of the practice of talfiq can be attained only if it is based on the

one school to consult the jurist from other school. This idea was reflected in his own position, as while he is basically a Hanafi jurist like commonly other Sunni ulama in India, his study on Mecca and Medina where the Shafi'ite school largely practiced, has influenced his appreciation to Shafi'ite. Indeed, his "imagine dialogue"¹⁹ with the prophet make him think that the other three school equally important. However, in his book *al insāf fī bayān fī sabāb al ikhtilāf*, he clearly express his preferable for Shafi'i madhhab since their jurist were he consider as the most qualified lawyer (mujtahid) and distinguishes clearest between the verdict of the imam and those of his disciple. An Urdu study of *usul fiqh* of Shah Walī Allāh (*Mazhar Baqa: Usul-i fiqh awr Shah Walī Allāh*) show that from 80 of Abu Hanifah opinion, he reject 70 of its, indicating his preference to Shafi'ite.²⁰

His concern of the school has led them to consider him-self as *mujtahid fī al-madhhab*. Performing *ijtihad* within the madhhab boundaries, in Shah Walī Allāh's consideration even, the only reason for the impossibility of the extinction of the mujtahid. This quotation may reflected more his idea on madhhab:

"*Ijtihad* is exhaustive endeavour in understanding the derivative principle of the Holy Canon Law by means of detailed arguments, their genera being based on four department: a. al Qur'añ, b. al Hadīst, c. the consensus of Opinion of the Muslim Community (*Ijma'*) and, d. the Application of Analogy (*Qiyās*). It can be understood from this that *Ijtihad* is wider than exhaustive endeavor to perceive the principle worked out by the earlier scholars, no matter such an endeavor leads to *agreement or disagreement* with these earlier scholars. It is not limited by the con-

textual evidence. In the modern Islamic legislation context *tafiiq* may be conducted in which the selection of the doctrines be based on its the suitability for the change of social condition "regardless of their historical and systematic context". See *The Encyclopedia of Islam (New Edition)*, (Leiden: Brill, 1998), vol. X, p. 161.

¹⁹ Many sources mentioned the mystical experiences received by Shah Walī Allāh during his stay in Mecca and Medina. Most of them indicated the dialog between him and the prophet Muhammad, in which Shah giving many question to the prophet, and the prophet trusted Shah to realize his visions in revitalizing the Muslim society. One of the important issue raised in dialog was the issue of madhhab, which make a crisis in Shah's mind. It is told that when Shah asked of what madhhab hold by the prophet, the prophet giving the answer by asking shah to follow all the madhhab. See, Rizvi, *Shah Walī Allāh*, p. 246.

²⁰ Baljon, *Religion and Thought*, p. 166.

sideration whether this endeavor is made *with* or *without* aid received from some (of their earlier scholars) in their notification of the aspect of question involved in a given issue and their notification over the sources of the principle through detailed arguments. But if there is a man who is in agreement with his shaikh in most matters and at the same time knows the argument and you say that he is not mujtahid, you are holding the corrupt view. And in this way, the belief that a Mujtahid is not to be found in our times, founded on the former belief, is basing a corrupt belief upon another corrupt belief."²¹

Furthermore, in other part of *al iqd al-jid*, he discuss in quite detail, the necessity of adopting or referring to the established schools or why people should rely on the madhhab by providing at least three important reason:

- a. the agreement of the umma that for the knowledge of the shari'ah people need to refer (*ya'tamidu*) to the previous generation (*suwād al-'a'dham*). The importance of this reliance according to Shah lies in the fact that it is only by knowing the previous scholars opinion, that the recent scholars will be able to formulate the new law (*istinbāt al hukm*). In other words, *istinbāt al hukm* should be done by analyzing the *adillah* of the existed opinion whether or not it was based on the undisrupted-chain (*mutawātir*) Ḥadīth or it should be performed by specify the general *adillah* (*yukhaṣṣu 'umūmuhā*) or limit its absoluteness (*yuqayyidu muṭlaqahā*).²²
- b. The guideline as stated in the prophetic command ;" Conform yourselves to the collective body of the muslim (*al-suwadul al-a'dham*)
- c. since the ages which were memorable for blessedness are past, people must withheld from trusting in evil ulama who follow their private heretic tendencies. The madhhab jurist, in contrast, have proved themselves as providing the valid-base argument in their *istinbāt*; argument which is based on the revealed text both Qur'ān and Sunnah.²³

²¹ Iqd al-Jid, p. 3. *The bold is mine*

²² Iqd al-jid, p. 13.

²³ Iqd al-Jid., p. 14. "These three reasons also mentioned briefly by Baljon". See Baljon, *Religious and Thought*, p. 168.

2. The Typology of Jurist/Mujtahid

The emphasis on the importance of madhhab, interestingly, has led Shah Walī Allāh in setting the hierarchical classification of jurists by excluding, what is considered in Islamic law discourse, as the highest level of mujtahid namely *mujtahid mutlaq* (in his own term he called it *mujtahid mutlaq mustaqil*). While he does acknowledge the existence of such a jurist²⁴, his idea that the possible and acceptable ijtihād in his age is the one that is performed within the boundaries of madhhab has led them to put the affiliated jurist in the first level on his hierarchical classification. The complete form of this classification is as follows:

a. Mujtahid *mutlaq muntasib* (affiliated)

This group belongs to the jurist who, with the assistance of the Imam, follows his imam's methodology (*usūl*). In other words what come first in his mind is the opinion of the imam, and then he try to discover the detailed argument (*'adillah*). Among the requirement for these group are mastering the furū' works (*fiqh*) and compiled by the Ḥadīth (*fuqahā al muḥadīthīn*). He does giving the strong emphasis to the Ḥadīth by saying that when the people in this group found the different opinion among the eponym of the school, he should go back to "Muwaṭṭa Imam Mālik" and then to ṣaḥīḥ Bukhāri and Muslim (*ṣaḥīḥaini*), Sunan Turmudhī and Abū Dāwud respectively.²⁵ This point also suggested that the group who is allowed to combine the madhhab (*tafīq*) is this particular group.

b. The second place is attributed to the *mujtahid in madhhab*. This group affiliated with the jurist who be a (*muqallid*) to his Imam as long as there is a nash for that opinion, otherwise he perform his own ijtihād.

c. The third place is belongs to *al mutabahir fi al madhhab* (*mujtahid mufti*) This category is the jurist who keep his madhhab, but try to understand his madhhab by asking the fatwa to the jurist in his madhhab.

²⁴Under the discussion of the explanation of the differences of the jurist-mujtahid, Shah Walī Allāh – by quoting the opinion of Rafi'i and Nawawi classify the mujtahid under four categories: 1). Mujtahid mutlaq which he divided into two sub divisions; mustaqill and muntasib; 2). Mujtahid fi al-madhhab; 3). Mujtahid al-fataya. (*Iqd-al-jid 5*)

²⁵*Iqd al-jid*, 17. We will back to more detail discussion of this point in later part of this paper.

- d. The last category belongs to the muqallid, those who asking the fatwa to the jurist madhhab and follow this fatwa.

Shah Walī Allāh's equal appreciation of all Sunni madhhab seems to be based on at least two purposes. Firstly, as mentioned elsewhere in this paper, Shah do aware of the internal conflict of Muslim India which already result in the their political collapse, and then has led him to produce the general idea of reconciliation. Therefore, although there was no historical evidence that there was a short of madhhab conflict in India, the general notion of the madhhab fanaticism in Islamic world coupled with his whole idea of reconciliation, has inspired Shah to offer the preventive solution of the possible presence of such tendency in India. Secondly, the crucial dispute of Sunni-Shi'i as the salient feature of Shah Walī Allāh time, unavoidably influenced him to decide in which side he stood within this conflict. While he does not condemn the Shi'i group as extreme as the other Hanafite ulama, but based on -what he consider— several "religious" reason he held the opinion that Shi'i was false (*batil*).²⁶ His disagreement to Shi'i not only lies on theoretical context, since he was reported to have wrote a letter to the ruler of Mughal Emperor Ahmad Shah (1161/1748-1167/1754). This letter represent his request that government should prohibit, what he considered, as some "stupid" Shi'i practice such as *tabarra* or condemning the three Caliphate in tenth of Muharram.²⁷ Considering Shah's attitude toward Shi'i, it is safe to assume that Shah do want to place Sunni superior than Shi'i, not only theologically but also politically. In other words, by giving the equal appreciation to all madhhab he implicitly feels that he already unify them.

²⁶ Among those reasons are that Shi'i has interpreted the word Imam in an unacceptable way since they consider their Imam completely similar to the prophet; they are ma'sūm and receive the divine revelation. Shah also seems to reject the idea of attributing the superiority to Ali compared to the other three caliph. His book *Izālat al-Khāfah 'an Khilāfat al-khulafā* and *Qurrat al-'Aynayn fi tafdīl al-Syaikhain* was written in purpose of giving the comment to the Shi'i doctrine, especially deal with the superiority of the Ali. As he stated in the introduction of *Izālat*:

"In this age the bid'ah of Shi'ism had come into existence and the common people have been confused by the doubt raised by Shi'ah. This has led to the rise of misgivings about the caliphate of the Khulafā al Rashidīn" Rizvi, *Shah Walī Allāh*, p. 250.

²⁷ *Ibid*, p. 294.

Consequently, there is no longer possible internal conflict among Sunni Muslim, and in turn the Sunni group would be able to re-gained their position as a leader, not only for Muslim India but also for the Indian society in general.²⁸

Besides in purpose of the reconciliation among madhhab, the appreciation giving by Shah Waḡī Allāh to the madhhab also indicating of how he preserved the tradition. As stated in his taṭbīq principle, Shah's effort to integrate the whole structure of Islam should be done by including and analyzing the past tradition. Madhhab is one of the embodiments of such tradition.

3. *Taqḡid*

The reluctance of Shah Waḡī Allāh to the institution of *taqḡid* can be seen in the Shah' explanation of the *taqḡid*. Referred to the hierarchical classification of the jurist as mentioned above, it is under the discussion of the fourth category, Shah Waḡī Allāh giving the explanation about taqḡid and muqallid. As the muqallid are people who have no ability to form their own opinion, they are allowed to adhere to the opinion of mujtahid by asking fatwa and act accordingly.²⁹ Shah, however, divided this *taqḡid* into two categories; ḡalāl and ḡarām

- a. Forbidden (ḡalāl) taqḡid is adherence to an opinion of mujtahid which is evidence by the prophetic tradition. Therefore the most important point of the permissibility of the *taqḡid* is the assumption that the opinion of mujtahid must be in accordance with the prophetic tradition (*muwāḡiqan li al-Sunnah*).³⁰
- b. Prohibited (ḡarām) taqḡid.

This is a kind of total adherence to the jurist based on the assumption that the mujtahid has reached the highest peak of learning so that it

²⁸ Although Shah Waḡī Allāh was not practically a politician who occupied certain governmental post, his primer political interest however, was to restore the domination of Sunni in India. That's way when Nizam al Mulk succeed in rescue Delhi from the attack of Hindu Maratas in 1737, Shah Waḡī Allāh wrote him a long letter urged him to ensure that Muslim India will not oppressed in any way and that only custom which according to Sunni Islam were introduced. The death of Niẓam Mulk and the come of Safdar Jang, —the Shi'i wazir of Ahmad shah Emperor— in Delhi during 1748-1753 has led Shah Waḡī Allāh to loose his hope on the revival of Sunni Power. Rizvi, *Shah Waḡī Allāh*, p. 297.

²⁹ *Iqd al-Jid*, p. 27; Muin-ud-Din, *Shah Waḡī Allāh's Conception*, p. 189.

³⁰ *Iqd al-Jid*, p. 27.

is impossible for him to make a mistake.³¹ Such fanatic adherence to the mujtahid is not acceptable in Shah's mind and considered as forbidden in Islam.

This point suggests that although being categorized as taqlīd, or even (*muqallid –al sarf*) people who perform it should equipped himself by the understanding of the sunnah. Such a division may also demonstrate Shah tendency that instead of rejecting the concept of taqlīd totally, he tries to give the "dynamic " meaning to the term of taqlīd.³²

In the next passage of his discussion, however, he mentioned the people who are considered as pure muqallid, he called as *al-'ami* (lay people). Interestingly, according to Shah, these people is not belonging to one particular school (*lāisa lahu madhhabun*) therefore, their duty is to seek the fatwa of the muftis³³. In their effort, however, they should allow to find it from different muftis, as he may choose which one satisfies them. In short, the fanaticism of a particular school seems to have no place in shah's view.

Elsewhere in his discussion on ijtihād and taqlīd, Shah Walī Allāh explicitly demonstrated his emphasis on the necessity of the prophetic tradition (al Ḥadīth). At the very early point, we could see that in Shah Walī Allāh assumption, one of the main reasons of the downfall of Muslim India was that Muslim too much concern with the furu' works, both for the pragmatic-political reason, namely achieving Government post, and merely for the controversies and debate among the ulama.³⁴ The

³¹ *Iqd al-jid*, p. 28.

³² Refer to 'Ajāib al-Athār of Jabarti, Hallāq argued that the notion of the extant of mujtahid – which is supported primarily by Hanafite jurists— began to appear in the beginning of the thirteenth/nineteenth century. Hallāq goes further by stating that as a consequence of this idea, the "general positive attitude" toward taqlīd became an apparent tendency. In this context, Shah Walī Allāh is one of the representative or a product of such a circumstance, Hallāq, *The Gate of Ijtihād*, pp. 86-87.

³³ *Iqd al-jid*, p. 30.

³⁴ Shah Walī Allāh, *Insaf fi bayān sabab al-ikhtilāf* p.86 as cited by Hasan al-Ma'sumi, *An Appreciation*, 346. The reason of Governmental post may be trace back to the history of Mughal emperor which seems to paid attention to Islamic law. In the reign of Aurangzeb Alamgir (1664-1672) for instance, he sponsored the compilation of what has been known as Fatawa Alamgiri/ fatawa Hindiyyah; the collection of legal opinion of the Mughal jurist during the seventeenth century, which refer primarily to Hanafite doctrine. Mona Siddiqui, "Law and the Desire for Social Control: An Inside into the Hanafi Concept of Kafa'a with Reference to the Fatawa Alamgiri (1664-1672)" in Mai Yamani, ed., *Feminism and Islam Legal and Literary Perspective* (Washington:

great attention of furū' works, unfortunately had led ulama to neglected the study of the primary resource of Islamic teaching, al Qur'ān and al-Ḥadīth. Shah Walī Allāh seems to try to fill this gap, namely goes back to the Qur'ān and Ḥadīth, which he approached from very interesting way.

In the relation with the issue of ijtihād, Ḥadīth gain its necessity as for Shah the main purpose of ijtihād is "to understand and apply properly the Ḥadīth" or "to determine which of four schools of Islamic law had the best ruling on a certain question in the light of the Qur'ān and Sunnah".³⁵ In positioning Ḥadīth in such an important place, Shah Walī Allāh goes further by stating that the differences of the result of ijtihād was caused by the differences among ulama in accepting and interpreting Ḥadīth.³⁶ Likewise, it is only by back to the Ḥadīth that the difference opinion should be justified and solved.

As mentioned earlier under the discussion of hierarchical stratification of mujtahid, it is interesting to note that according to Shah Walī Allāh, when the jurist find the disagreement among the eponym of the schools in certain cases, they should go back firstly to the Muwaṭṭa of Imam Mālik then respectively to the ṣaḥīḥ Bukhārī and Muslim and to sunan Turmudhī and Abu Dāwud. In *Hujjatullāh al Balighah*, Shah Walī Allāh strengthen the above Ḥadīth ranking in a more detailed way, in which he places Muwaṭṭa, together with ṣaḥīḥ Bukhārī and Muslim, in the first rank³⁷. Compared to the general understanding of Ḥadīth scho-

New York University Press, 1996), pp. 49-50. Such a serious support including material facilities provided by Mughal government to the development of Islamic Law was very likely has led the ulama to eagerly conducting the intensive study of Islamic law.

³⁵ Marcia Hermansen, *Shah Walī Allāh*, p. 101.

³⁶ Under the discussion of explaining the differences among mujtahid, in his *Iqd al-Jid* Shah Walī Allāh mentioned some possible occasions in which the mujtahid differ one to another : 1). When one mujtahid receives a Ḥadīth on the others does not. In this case the right Mujtahid is already determined. 2). Every Mujtahid (engaged in the same issue) has some conflicting Traditions and he exercise Ijtihād in bringing about the congruence between some of them and preference of some over others, and his Ijtihād leads to certain judgment (of his own) and so differences of this nature appears. 3). They may differ in the explanation of the words used and their logical definitions, or regarding the supply of what might be considered omitted in speech, or in eliciting the manāṭ (i.e., the common factor which justifies the application of a primary principle from the Qur'ān or the Ḥadīth to a derivative situation, or in application of general to particulars). 4). They may differ in primary principles leading to differences in derivative principles. See *Iqd al-Jid*, 8 as translated by Daud Rahbar, *Shah Walī Allāh and Ijtihād*, p. 354.

³⁷ The second rank in Shah Walī Allāh gradation occupied by the "ḥadīth book

lars who mostly giving the first place to Ṣaḥīḥ Bukhārī and Muslim, appreciation of Shah Walī Allāh toward Muwaṭṭa is interesting and unique. Some Shah's statements such as "you should know for certain that the door for ijtihād has been practically closed today excepting that you should keep the Muwaṭṭa before you"³⁸, or "Muwaṭṭa is the most sound, the most famous and the most important of fiqh book"³⁹, strongly indicated the preference of Shah Walī Allāh toward Muwaṭṭa. To support his statement in placing the Muwaṭṭa in the second position (only) after al Qur'ān, Shah Walī Allāh provided the following reasons, which he mentioned in Musawwā:

- a. "All the tradition recorded in Muwaṭṭa have come down to us from the Prophet to Imam Mālik through only one or two guarantors, and therefore their sanad can easily be scrutinized and their transmitters - most of whom are the learned inhabitants of Madina whose trustworthiness has never been questioned by the learned Imāms - can be critically examined.
- b. All the other collection which were made after al-Muwaṭṭa such as the works of Imām Bukhārī, Muslim, Abu Dāwūd, Nasāī and Tirmīdhī are but so many appendices and commentaries of al Muwaṭṭa it-self, inasmuch as these works supply other correct isnād for the traditions stated in al Muwaṭṭa, be they Marfū', Mursal or Mauqūf.
- c. Both Imam Shafi'i and Imam Muhammad were student of Imam Mālik. Both wrote commentaries on the Muwaṭṭa and although their ideas differ from the inferences draw from Imam Mālik's work, they do not question his chain of narrators. Other works of Ḥadīth only supplement al Muwaṭṭa adding more isnād, and are thus founded

which don't attain the rank of Muwaṭṭa and Ṣaḥīḥaini", and this refer to Sunan Abu Dawud, Tirmīdhī, and Nisāī. The remaining Ḥadīth he classified under the third, fourth and the fifth does not really take into consideration as long as Shar'ah are concerned since those Ḥadīth serve no useful purpose. See Marcia Hermansen, *Shah Walī Allāh's theory*, pp. 626-630, Hasan al Ma'sumi, *An Appreciation*, p. 349, Rizvi, *Shah Walī Allāh*, pp. 244-245.

³⁸Shah Walī Allāh, *Musaffa*, p. 12 as quoted by Hasan al Ma'sudi, *An Appreciation of Shah Walī Allāh*, p. 350. Muṣaffā wa Musawwā is the Persian and Arabic commentary of Muwaṭṭa Imam Malik. *Muṣaffa* is used as title of Persian commentary, meanwhile *Musawwā* is entitles the Arabic one.

³⁹Shah Walī Allāh, *Musawwa*, p. 12.

on Imam Mālik works.⁴⁰

In simple way we may say that the fact that Muwaṭṭa was compiled earlier than Ṣaḥīḥ Bukhari, during the generation of Muslim Medina who is close to the best sources, in Shah consideration, guarantee its validity.

It should be underline, however, that there is such an ambiguity of Shah Waḥī Allāh in explaining the position of Muwaṭṭa before Ṣaḥīḥain. While he clearly demonstrate his preference to Muwaṭṭa, Shah Waḥī Allāh does not considered Ṣaḥīḥ Bukhārī as the second place after Muwaṭṭa since it provide principle contribution in distinguishing between the sound (ṣaḥīḥ) Ḥadīth from the rest. Furthermore, in his consideration the reason why the consensus ulama preferred to Ṣaḥīḥaini rather than Muwaṭṭa is based on the fact that these two Ṣaḥīḥ covered all of the four subjects narrated by the prophet namely; Fiqh, Sīrah (history of the prophet's life) including his battles, tafsīr and the information concerning the trial and tribulation prior to the day of judgment.⁴¹

Shah Waḥī Allāh strong emphasis on ḥadīth, and especially his "unique" preference to Muwaṭṭa may led us to question whether there is certain context which led him to held such opinion. Tracing back Shah Waḥī Allāh early education and life may bring us to find the answer of the above question. While Shah learned various Islamic subjects from his father, Shah `Abd al-Raḥīm, since his early age the strong notion of mastering the ḥadīth can be clearly seen in the title of a *Faqīh-muḥaddith* that he got in the age of seventeen, when he replace his father as the leader of his father madrasah. Such a title was attributed to him based on his serious interest to learn and teach the works of Islamic jurisprudence and prophetic tradition.⁴² His academic journey to Mecca and Medina in 1143/April 1731, then, enable him to develop further his academic skill on mastering Islamic subjects, with remain concentrate on those two subjects. It is reported that while he was in Mecca he read Muwaṭṭa before Muhammad Wafdullāh (n.d), and then got permission to conduct further analysis of it from a Mecca mufti, Taj al-Din al Qalā'

⁴⁰ Shah Waḥī Allāh, *Musawwa*, pp. 6-10 as cited by Hasan al Ma'sumi, *An Appreciation*, p. 350; Rizvi, *Shah Waḥī Allāh*, pp. 243-244.

⁴¹ Hasan al Ma'sumi, *An Appreciation*, p. 349.

⁴² Rizvi, *Shah Waḥī Allāh*, p. 215.

(n.d).⁴³ In the end of his study of this particular subject, Shah Walī Allāh received a certificate to teach Ḥādīth dated in 1114/1731-2. It is very likely that such academic background highly influenced the attitude of Shah Walī Allāh toward Ḥādīth, in particular his predilection to Muwaṭṭa. The fact that Shah Walī Allāh's works which explicitly stated his preference on Muwaṭṭa, such as *Musawwa wa Muṣaffa* and *Iqd al Jid*⁴⁴ were written after Shah's return from Mecca and Madina, may strengthen the assumption that it was his study on Mecca that determine Shah's attitude on Ḥādīth and Muwaṭṭa.

In whole, Ḥādīth seems to play an significant role in Shah Walī Allāh conception on Ijtihād and Taqlīd. As we see in the discussion, its importance not only lies in its presence as the cause as well as the final references for the differences of jurist opinion, but also on the fact that understanding the Ḥādīth is the only valid reason for adopting and selecting certain opinion. We may consider, therefore, that similar to other mujaddid, one of the main idea of Shah Walī Allāh is return back to primary sources of Islam, Al Qur'ān and Ḥādīth. Neglecting these two sources, thus, the cause of malady of Muslim not only for India but all over the world.

D. Conclusion

It is clearly from the discussion that Shah Walī Allāh presence is in purpose of giving the answer for the socio-religious and political chaos of his society, Muslim India in particular. He expressed him-self more "as a father" of his country by offering the religious concept and method in which Muslim colleague could achieve the guidance from it in order to re-gain their supremacy. In this context, the basic issue inspired his religious concept was reconciliation and harmonization, since all the chaos seems to appear from several conflict, most importantly the Sunni-Shi'i conflict.

⁴³ Jalbani, *The Life of*, pp. 24-25 In Hermansen words Shah Walī Allāh cosmopolitan training in Ḥādīth during his stay in Mecca lead him to accept the authority of Imam Mālik's Muwaṭṭa.

⁴⁴ In Rizvi record, *Musawwa-Muṣaffa* was written during the year of 1152/1739-40 to 1160/1747. There is no exact date for *Iqd al-Jid*, but in Marcia Hermansen list this particular works was written after 1150. See Rizvi, *Shah Walī Allāh*, p. 223; Hermansen, *Shah Walī Allāh's Theory*, p. 119.

Shah Walī Allāh concept of *ijtihād* very much reflected such a tendency. He depart from the assumption that *ijtihād* should be performed within the boundaries of *madhhab*. His concern of *madhhab* reflected further as he gave equal appreciation to all Sunni *madhhab*, although his primary interest are Hanafite and Shafi'ite, in purpose of harmonizing those *madhhab*s and preventing the possible conflict among them which may worsening the situation. By this way, Sunni would be superior to Shi'i and in turn enabled them to lead India.

Shah Walī Allāh seems to revitalize the necessity of *Ḥadīth*, as a means for harmonizing the *madhhab*. All the conflicting or differences opinion among the *madhhab*s should be solved by selecting which one of those that grounded from the most valid *Ḥadīth*. Likewise, *taqlīd* in a sense of the adherence to a certain opinion in *madhhab*, should be based on the understanding of the *Ḥadīth*, to whom those opinion being based. His study in Mecca and Medina enabled him to deepen his understanding of *Ḥadīth* as an applicable tool in his concept of *ijtihād* and *taqlīd*.

BIBLIOGRAPHY

- Baljon, J.M.S. *Religion and Thought of Shāh Wali Allāh Dihlawi 1703-1762*. Leiden: E.J.Brill, 1986.
- Hallāq, Wael B. "The Gate of Ijtihād: A Study in Islamic Legal History." Ph.D Dissertation, University of Washington, 1983.
- . "Talfik." *The Encyclopedia of Islam (New Edition)*. Leiden: Brill, 1998.
- Hermansen, Marcia K. *Shāh Walī Allāh's Theory of Religion in Hujjat Allāh al-Bālighah With A Translation of Volume 1 of Hujjat Allāh al-Bālighah*. Ph.D Dissertation, University of Chicago, 1982.
- Hodgson, Marshall, G. *The Venture of Islam*. Chicago: University of Chicago Press, 1974.
- Jalbari, G.N. *Life of Shāh Walī Allāh*. Delhi: Idarah-i Adabiyat-i, 1980.
- Khan, Muin-ud-Din Ahmad. "Shāh Wali Allāh's Conception of Ijtihād." *Journal of the Pakistan Historical Society* (July 1959).
- al-Ma'sumi, M.S. Hasan. "An Appreciation of Shāh Walī Allāh al-Muḥaddith Ad-Dihlawi." *Islamic Culture*, vol.21 (1947).
- Rahbar, Daud. "Shāh Walī Allāh and Ijtihād: A Translation of Selected Passages From his Iqd al-Jid fi Aḥkām al-Ijtihād wa al-Taqlid." *The Muslim World* 45 (1955).
- Rahman, Fazlur. "The Thinker of Crisis: Shah Wali Allah." *Pakistan Quarterly* (Summer 1956).
- Rizvi, Saiyid Athar Abbas. *Shāh Walī Allāh And His Times; A Study of Eighteenth Century Islam, Politics and Society in India*. Canberra: Ma'rifat Publishing House, 1980.
- Siddiqui, Mona. "Law and the Desire for Social Control: An Inside into the Hanafi Concept of Kafā'ah with Reference to the Fatawā Alamgiri (1664-1672)" in Mai Yamani, ed., *Feminism and Islam Legal and Literary Perspective*. Washington: New York University Press, 1996.
- Wali Allāh, Shāh, *Tafhimat Ilāhiyah*. [n.p.]: 1936.
- . *Hujjat Allāh al-Bālighah*. [n.p.].
- . *Iqd al-Jid fi aḥkām al-ijtihād wa al-Taqlid*. Cairo: al-Maṭba'a

al-Salafiyya. 1965.

_____. *Musawwā wa Muṣaffā*. Karachi: Muhammad Ali karkhāna-i Islāmi Kutub.1980.

Ro'fah Mudzakir is a lecturer at the faculty of Islamic Education, Sunan Kalijaga State Institute of Islamic Studies, Yogyakarta.