



al-Jāddah al-Qawīmah fi al-Fiqh:

(Balanced Approach to Deal with Islamic Law)

Analyzing the Juristic (Re) Interpretation of Shāh Walī Allāh for Reconciliation among *Fiqhī* Polemics

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Abstract:

After getting enlightened by extensive study and intuition in Dehli and *Haramain al-Sharīfain*, Shāh Walī Allāh (1114-1176 A.H./1703-1762 C.E.) came to the conclusion that the *Dīn* (religion) as a whole should be reinterpreted as per the prevailing circumstances. Shāh Walī Allāh came up with comprehensive principles of *Dīn* in his great book "*Hujjat Allāh al-Bālighah*" (The Conclusive Argument from God). These principles were designed to clarify the in-depth reality of differences among Muslim *fuqahā* to settle the issue of *Ijtihād* and *Taqīd* and most importantly, to develop a system of interpretation which should be acceptable to the traditionalists (*Ahl al-Hadīth*) as well as to the rationalists (*Ahl al-Rā'i*) in the light of the true of spirit of Islam. Shāh Walī Allāh described this system as "*al-Jāddah al-Qawīmah*", which he thoroughly elaborated in his book '*al-Tafhīmāt al-Ilāhiyah*' in *Tafhīm* no. 66. To achieve his target, Shāh Walī Allāh purposed a new classification of the books of Hadīth where *Muwattā* of Mālik is considered to be basic text for all authentic Hadīth books. Moreover, this system of interpretation has been applied briefly by Shāh Walī Allāh in his two books, namely, *al-Musaffā Sharh al-Muwattā* of Mālik in Persian and *al-Musawwā Sharh al-Muwattā* of Mālik in Arabic. The main focus of this research is to elaborate and analyze the system of juristic (Re) interpretation (which is called *al-Jāddah al-Qawīmah*) purposed by Shāh Walī Allāh for the jurists of what and how to reconcile juristic differences among *Sunnī fiqhī* schools

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1. Introduction:

The term “*al-Jāddah al-Qawīmah*” has been used by Shāh Walī Allāh for his certain concepts in his academic works. The literal meaning of “*jāddah*” is a moderate way as discussed in *Lisān al-‘Arab*:

والجادة: معظم الطريق والجمع جواد، الجواد: الطرق واحدها جادة وهي سواء، الطريق²

(*al-Jāddah*, higher way, and plural is *Jawādd* i.e. higher ways, its singular is *Jāddah*, and that is moderate way).

القوية: معناه المعتدل كما ذكره صاحب المعجم الوسيط القويم معناه المعتدل³

(*al-Qawīmah*: its meaning is the balance as discussed by the author of *al-M‘ujam al-Wasīt*). So, the complete meaning of *al-Jāddah al-Qawīmah*, according to Shāh Walī Allāh, is “the balanced approach” and “the moderate way” to deal with Islamic law and jurisprudence.

Establishing the context of the system of interpretation, Shāh wanted to take Muslim community into unity and developed a systematic approach for the scholars who were scattered due to “*istikhrāji fiqh*”⁴. Shāh described the system of interpretation for reconciliation among the juristic opinions in his several academic writings, especially what has been discussed in his famous book “*al-Tafhīmāt al-‘Ilāhiyah*”, in *Tafhīm* no 66.⁵

2. The Juristic Interpretation and Its Development:

A large and growing body of literature has investigated the development of the concept. According to Abu al-Hasan ‘Alī Nadwī, the *Jāddah al-Qawīmah* of Shāh Walī Allāh may be extracted from the following efforts done by him:

1. Invitation to the Qurān
2. Dissemination and promotion of *Hadīth* and *Sunnah*.
3. Attempting reconciliation between *fiqh* and *Hadīth*
4. Inclusive representation of Islamic law and jurisprudence
5. Unveiling the objectives and secrets of *Hadīth* and *Sunnah*.
6. Explaining the duty of the caliphate and salient features of the rightly guided caliphate.
7. Reforming the politics of his time and criticizing the Mughal government.
8. Accountability and reformative invitation to the representatives of the *Ummah*.

² Muhammad ibn Mukarram al-Afrīqī Ibn Manzūr, *Lisān al-‘Arab* (Iran: Adab al-Hawzah, 1405 A.H.), 3:109.

³ Ibrāhīm Mustafā, Ahmad Hasan al-Ziyāt, Hāmid Abdul Qādir, Muhammad ‘Alī al-Najjār, *al-M‘ajam al-Wasīt* (Istanbūl: al-Maktaba al-Islāmiyah, no date), 768.

⁴ The laws extracted by later *fuqahā fī al-mazhab* from the *furū‘āt* of their jurists.

⁵ Shāh Walī Allāh, *al-Tafhīmāt al-‘Ilāhiyah*, ed. Ghulām Muṣṭfā al-Qāsmī (Hyderabad Sindh: Academy of Shāh Walī Allāh, 1970), 202-12, (hereinafter referred to as Walī Allāh, *al-Tafhīmāt*).

9. Educating and training to a group of the Muslim scholars for shouldering the responsibility designed by him.⁶

A considerable amount of literature written by Shāh depicts that he was unhappy with the terrible situation of juristic (*fiqhī*) differences among different schools of thought⁷ along with mystical and political differences.⁸ Therefore, he started thinking to establish a moderate methodology that could extract the reality of causes of differences among the *fuqahā'* as well as find the moderate and accommodative conclusion to settle the issue once and for all. What we know about Shah's juristic interpretation i.e. *al-Jāddah al-Qawīmāh* is largely based upon his famous book "*al-Tafhīmāt al-Ilāhiyah*" in *Tafhīm* no. 66⁹. Its gist has been incorporated here to understand the development of his juristic interpretation:

1. *Dīn* [Islam] has been divided into different *fiqhī* thoughts as well as the Muslim *ummah* in a way that the majority have been terrified.

2. Some Muslim saint scholars were aware of the fact of the *Shari'ah*, given above, but they could not establish the systematic *al-Jāddah al-Qawīmāh* which was chosen by Almighty Allāh.

3. Some Muslim saint scholars got *al-Jāddah al-Qawīmāh*, but they were hesitant to give preference of an opinion of a jurist to another opinion of a jurist. Instead, they attempted reconciliation between apparent contradicted opinions to the extent which is suitable.

The subject matter has been done in detail, for instance, by Imām Sh'arānī in his great book "*al-Mīzān al-Kubrā*"¹⁰ and by Imām Muhī al-Dīn 'Alī Ibn al-'Arabī.¹¹

The Shāh belongs to the last group of the scholars who, instead of giving preference to one *fiqhī* (juristic) opinion to another, attempted reconciliation among the *fiqhī* opinion to the extent which is suitable.¹² The Shāh was blessed with two different sciences exceptionally to attempt his juristic interpretation i.e. *al-Jāddah al-Qawīmāh* in juristic disagreements, as given below:

1. The science of beneficial purposes (*'Ilm al-Maṣālih wal- Maḥāsib*); 2. The science of the religious laws (*'Ilm al-Sharai' wal-Hudūd*).¹³ To make the juristic interpretation clearer, Shāh has divided the *Shari'ah* of the Prophet Muhammad [PBUH] into two types: 1. Standard (*ẓāhir*) 2. Rare (*Shādh*). The standard (*ẓāhir*) *Shari'ah* is the core, according to Shāh. It is further divided into different levels and they are as below:

⁶ Abu al-Hasan 'Alī Nadvī *Tārīkh D'awat-o 'Azīmat*, (Lakhnow: Majlis-e Tahqīqāt-o Nashriāt-e Islām, 2006), 5:131.

⁷ Walī Allāh, *al-Tafhīmāt*, *Tafhīm* no. 69, 282.

⁸ *Ibid.*, 271.

⁹ *Ibid.*, 202-12.

¹⁰ 'Abd al-Wahhāb al-Sh'arānī (1492-1565, 898-973, is an Egyptian scholar and Sufi Shafi'i, founder of the Egyptian method of Sufism, known as arāwiyyah.

¹¹ Muhammad bin Ali bin Arabi, is one of the greatest teachers of spirituality in the world.

¹² To the extent means the reconciliation among the disagreements has been dealt as per its actual position.

¹³ Walī Allāh, *al-Tafhīmāt*, 1: 207.

I. The foremost reliable level of Shari‘ah is the text of Qurān which is contextualized to the issue and its meaning must be clear for the natives.

II. The next one which is known by the authentic and Mustafid¹⁴ Hadīths.

III. The next one is what narrated by Mālik in his famous book al-Mu‘attā in a manner that this was the practice of the great Companions, Successors and the people of Madīnah from the period of prophet hood to the period of Mālik etc.

IV. The subsequent is authentic or Hadīth what is found in famous Hdīth books and a group of *Fuqahā* took it for their arguments.

According to Shāh, these four levels are the standard Shari‘ah of the Prophet (PBUH) and this method of *al-Jāddah al-Qawīmah* is proven by the Prophet (PBUH).¹⁵

Shāh Walī Allāh contended that this *Jāddah* consisted of those doctrines on which all four schools, or atleast the Madīnese and the Kūfians, concurred. Shāh stressed the binding character of this *Jāddah* and emphasized that legal activity should remain confined within its bounds.¹⁶ He mentioned the following examples in order to illustrate the doctrines which, according to him, transgress its limits:

I. To allow wiping of the feet *Wūḍū* instead of washing them;

II. To regard *Mut‘a* (temporary marriage) as lawful;

III. To hold the drinking of a small quantity of an intoxicant other than wine as permissible;

IV. To regard the extent of the time of the *Zuhr* prayer up-till the time when the length of the afternoon shade of a thing becomes double of its height plus the length of its shade at noon time. Among the four above mentioned doctrines, the two former belong to the Shī‘ī school and the two latter are those of the Hanafī School of law.

Shāh cites the following variants to illustrate the disagreement which does not amount to deviation from the *Jāddah*:

I. Disagreement on the doctrine of regarding the brushing of teeth with stick in the afternoon as reprehensible for a person who fasts;

II. Disagreement on choosing from among the various formulas which are required in prayer before the recitation of *Sūrah al-Fātihah*; or not uttering any formula at all;

III. Disagreement in choosing from among the different formulas of the *Tahashhud* transmitted by various Companions;

¹⁴ The agreed famous Hadīths which are found in Ṣahīh of Bukhārī and Muslim and Mu‘attā of Mālik.

¹⁵ Walī Allāh, *al-Taḥfīmāt*, 209-12.

¹⁶ *Ibid.*, 211.

3. Analyzing the Juristic (Re) Interpretation:

Shāh contended that the concept of *al-Jāddah al-Qawīmah* consisted of those principles on which all the four *sunnī* schools, or at least the *Hijāzī* and the *Kūfī* schools, agreed.¹⁸ He stressed the binding character of the concept and emphasized that legal activity should remain confined within its bounds.¹⁹ However, he admitted that within the concept of *al-Jāddah al-Qawīmah* variant rulings were found on many questions. Since all of those variants were based on evidence of equal authority and all of them served the actual purpose and consideration of the *shari‘ah*, all of them were, despite their divergence, definitely valid and equally permissible, even as the seven variant readings of the Qurān and different items of expiation were equally recognized in the *Shari‘ah*.²⁰

Shāh compared these variants found within the concept of *al-Jāddah al-Qawīmah* to the different viewpoints found within a school of thought which were recognized by its jurists equally valid and authentic.²¹ He, further, stressed that the concept of *al-Jāddah* ought to be considered in the manner that we consider a school of thought and should choose from its alternative principles, all of which were, according to him, equally valid.²² The concept of *al-Jāddah*, according to Shāh, is based on the classification of Hadīth books, the most authentic Hadīth book is *Muwattā* of Mālik.

3.1 Classification of Hadīth Books According to Shāh:

Explaining the significance of the classification, Shāh said that the books of *Ahādīth* are compiled on two methods:

1. Those books which have only authentic *Ahādīth*.
2. Those books which have both authentic and non-authentic, however, the later has clearly been fixed out by the compilers.

Establishing the context, the Shāh explains that among the books, few have been reached to the level of *Tawātur* while the other are at the level of *Mashūr* and *Mustafīd*. To describe a number of important differences between the books, the Shāh established different levels of *Ahādīth* books for derivation of laws and they are as follow in given order:

1. *Mu‘attā* of Imām Mālik, *al-Sahīh* of Imām Bukhārī and *al-Sahīh* of Imām Muslim

¹⁷ Ibid., 211-12.

¹⁸ Shāh Walī Allāh, *Hujjat Allāh al-Bālighah*, ed. Sa‘īd Ahmad Pālanpūrī (Karachi: Zam Zam, 2010) 1: 412, (hereinafter referred to as Walī Allāh, *Hujjat*).

¹⁹ Walī Allāh, *al-Taḥfīmāt*, 210.

²⁰ Walī Allāh, *‘Iqd al-Jīd fī ahkām al-Ijtihāh wa-l-Taqlīd*. ed. Muhammad ‘Alī al-Halbī al-Athrī (Sharjah: Dār al-Fath, 1995), 16, (hereinafte referred to as Walī Allāh, *‘Iqd al-Jīd*).

²¹ Walī Allāh, *al-Taḥfīmāt*, 210-11.

²² Ibid.

2. *al-Sunan* of Abū Dāwūd, *al-Jāmi‘* of Tirmidhī and *al-Sunan* of Nisā’ī²³

3. *Musnad* of Abū Y’alā, *Musannaf* of Abdul Razzāq, *Musannaf* of Abū Bakr bin Shaybah, *Musnad* of Abd ibn Hamīd, *Musnad* of Tiālīsī and Tahāwī.

4. *Kitāb al-Ḍu‘afā‘* of Ibn-e Habbān, *Kāmil* and other books.²⁴

5. Those books which are based on fabricated traditions and they are uttered by the so called preachers.²⁵

After defining certain classification of *Ahādīth* books, according to Shāh, the only first two levels are valid for derivation of laws.²⁶ To date various methods have been developed and introduced to measure the order of authentic books of *Ahādīth*, however, the order given by the Shāh is exactly that was applied by the *Aslāf* before fourth century *hijrī*.

3.2 The status of M’uttā of Mālik:

What is interesting in the classification is the higher position of the *M’uttā* of Mālik on all authentic books of *Ahādīth* including *al-Sahīh* of al-Bukhkhārī and Muslim and Shāh significantly claims that the most authentic book after the Holy Qurān is the *Mu’ttā* of Mālik.²⁷ In order to assess this significance, it seems a vital reformation in the sciences of *Hadīth* as it is shown in his books i.e. *Hujjat Allāh al-Balighah*, *al-Musawwā* and *Musaffā*. It is discussed here briefly in a systematic order:

1. The Shāh believes that there is no book in *fiqh* more strong than the *Mu’ttā* of Mālik²⁸ as it is the utmost sound, most reputed, most ancient and best comprehensive book among the books on *fiqh*.²⁹

2. There is an authority of Mālik and his book *Mu’attā* for the reason that no book of any prominent scholar of *Taba‘ Tabi‘ī* is available except *Mu’attā*.³⁰

3. There is no book up till now in which the majority of the *ahādīth* scholars are unanimous. Imām Shāfi‘ī (d. 204 H), Sufyān bin ‘Uyaynah (d. 198 H), ‘Abd al-Rahmān bin Mahdī (d. 198 H) and other distinguished scholars of *ahādīth* and *fiqh* have held Mālik in high esteem.³¹

4. Madīnah was the center for Islamic knowledge during the life time of Imām Mālik and prior to that he had inherited all Islamic knowledge staying in that center.³²

²³ Walī Allāh, *Hujjat*, 1:133

²⁴ Ibid.

²⁵ S’āid Ahmad Pālanpūrī, *Rahmat Allāh al-wasi‘ah Sharh Hujjat Allāh al-Bālighah*, 5 vols. (Deoband, UP: Maktaba Hijāz, 2002), 2:446.

²⁶ Shāh ‘Abdul ‘Azīz, *‘Ujālah Nāf’iah*. (Dehli: Matb'a Mujtaba'ī, 1348 A.H.), 5-8. He is elder son of Shāh Walī Allāh.

²⁷ Walī Allāh, *Hujjat*, 1:231.

²⁸ Walī Allāh, *Musaffā Sharh Mu’ttā with Musawwā* (Delhi: Kutub Khānah Rahimiyah, 1346), 3, (hereinafter referred to as Walī Allāh, *Musawwā*).

²⁹ Walī Allāh, *al-Musawwā Sharh al-Mu’atta* (Beirūt: Dār al-Kutub al-‘Ilmiyah, 1346 A.H.), 62-63, (hereinafter referred to as Walī Allāh, *Musawwā*).

³⁰ Walī Allāh, *Musaffā*, 3.

³¹ Ibid., 4.

³² Ibid., 5-6.

5. The *Mu'attā* has met its obligation to soundness as Imām Shāfi'ī (d. 204 H) stated:

“There is no book in the world most sound than *Mu'attā* of Imām Mālik after the book of Allāh.”³³ Following this, Shāh further transmitted the statement of Hāfiz Ibn Hajr (d. 852 H) where he said that the book of Imām Mālik was sound to him and who followed him, because, according to their opinions, the *Mursal* and *Munqati'* were used for legal argument.³⁴

6. The *Muwattā* is a well reputed book and it has been transmitted by large crowd from every educated class of its society. Among the rulers like al-Rashīd (786-809), al-Amīn (809-813) and al-Māmūn (813-833) and, according to some opinions, al-Mahdī and al-Hādī as well. Among the *Mujtahidīn* such as Imām Shāfi'ī (d. 204 H) and Muhammad bin al-Hasan al-Shaybānī (d. 189 H) directly and Imām Ahmad bin Hanbal (241 H) through the chain of 'Abd al-Rahmān bin Mahdī (d. 198 H) and Abū Yūsuf (d. 182 H) through the chain of a person.

Moreover, among the *Muhaddithīn* (the Hadīth scholars) a large number which is uncountable. And the copies of *Muwattā* were more than thirty.³⁵ *The Muwattā* has been transmitted without press and broadcasting by more than one thousand persons.³⁶

7. The book has been acknowledged by the compilers of conventional authentic six books. The lexical meaning of *Muwattā* is agreement or consensus. The contemporary scholars of Imām Mālik have unanimously approved the *Muwattā*.³⁷

8. *The Muwattā* has been compiled and arranged in a well manner as well as it has comprised all chapters of *fiqh*.³⁸

9. The way to *ijtihād* will not be opened before anyone except one peruses the *Muwattā*. The Shāh stated that:

“I am convinced that now a days the way to *ijtihād* and *fiqh* is closed unless the especial attention should be given to the *Muwattā*.”³⁹

10. The *Muwattā* is the foundation of four famous *fiqhī* schools of thought.⁴⁰ This is the equipment and foundation of Mālikī school, the capital and head of Shāfi'ī school and lamp and mirror of Hanafī school. The all *fiqhī* schools of thought in front of the *Muwattā* are like the explanation in front of the original text. The books which had been compiled in the *Sunan* order like the *Sahīh* of Muslim, the *Sunan* of Abū Dawūd and Nasā'ī and whatever relating to the *fiqh* of *Sahīh* of al-Bukhārī and *al-Jāmi'* of *Tirmidī* were turning around the *Muwattā*. The target of the books, mentioned above, was to make its *mursals* as *musnads* and its *mawqūf* as *marfū'*s and to attain which have been missed and to mention *mutāba'āt* (supporting transmissions) and *shawāhid* (witness transmissions) for which Hadīth have been narrated with chains. It should be informed here that *Musnad* of al-Dārimī (d. 255 H) had been compiled only for making the *Ahādīth* of *Mu'attā* chained (*isnād*).⁴¹

³³ Walī Allāh, *Hujjat*, 1:232; Walī Allāh, *Musaffā* 6.

³⁴ *Ibid.*, 6.

³⁵ *Ibid.*, 7.

³⁶ Walī Allāh, *Hujjat*, 1:232.

³⁷ Walī Allāh, *Musaffā*, 8.

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ Walī Allāh, *Hujjat*, 1:377-80; Walī Allāh, *Musaffā*, 6-7.

⁴¹ Walī Allāh, *al-Musawwā*, 62-64.

First books are *Muwattā* of Imām Mālik, *Sahīh* of al-Bukhārī and *Sahīh* of Muslim. Imām al-Shāfi‘ī said:

"The correct book after the book of Allāh Almighty is *Muwattā* of Mālik."⁴²

The Hadīth scholars agree that everything in it is correct according to the opinion of Imam Malik and his supporters, but according to others there is no *Mursal* or *Munqat ‘i* Hadīth in it, unless the chain (*sanad*) is connected in another way. During the time of Imām Mālik, several *Muwattās* were composed that the Hadīths of *Muwattā* were extracted from Imam Malik and its *Munqat ‘i* were connected, such as the book of Ibn Abī Zi‘b,⁴³ and Ibn ‘Uyayna,⁴⁴ Thawrī⁴⁵ and M‘amar,⁴⁶ etc., and others who shared same teachers with Imam Malik. About a thousand people have narrated *Muwattā* directly from Imām Mālik, and people have traveled to Imām Mālik from far and wide about listening to *Muwattā*, as the Prophet (PBUH) had predicted in a Hadīth.⁴⁷ Among them are great jurists such as Imām Shāfi‘ī, Imām Muhammad ibn Hassan Shaybanī, Ibn Wahb and Ibn al-Qāsim, and some of them are skilled Hadīth narrators such as Yahyā ibn Sa‘id Qatan, Abd al-Rahmān ibn Mahdī and ‘Abd al-Razzāq, and some were kings and rulers such as Harun al-Rasheed and His two children.⁴⁸

4. *al-Jāddah* in Reconciliation between Fiqh and Hadīth:

It was one of Shāh's moderate achievements, and a wonderful golden circle in the chain of his service to the noble Hadīth and his victory for the *Sunnīs* is that he attempted to reconcile between jurisprudence and Hadīth, followed by the attempt to combine and synthesize between

⁴² Walī Allāh, *Hujjat*, 1: 377. The justification is given by Mufti Sa‘īd Ahmad Palan Pūrī that the saying of the Imām Shāfi‘ī, mentioned above, was before compilation of *Ṣahīhain* of Bukhārī and Muslim. See, Ibid at foot note of 4.

⁴³ Muhammad bin ‘Abdul Rahmān bin al-Mughīrah bin al-Hārith bin ‘Abī Dh‘īb (80-150 A.H.), a Madinan *faqīh* and traditionalist.

⁴⁴ Abū Muḥammad Sufyān ibn ‘Uyaynah ibn Maymūn al-Hilālī al-Kūfī (725-815 C.E.) was an eighth-century muhaddith and Shari‘ah scholar from Mecca. He was from the third generation of Islam referred to as the Tābi‘ al-Tābi‘īn.

⁴⁵ Abu Abdullah Sufyan ibn Said ibn Masruq al-Thawri (715-778 C.E.) was a Tābi‘ al-Tābi‘īn Islamic scholar and jurist, founder of the Thawri madhhab. He was also a great hadith compiler

⁴⁶ Ma‘mar ibn Rashid (714-770 C.E.) was an eighth-century *muhaddith*.

⁴⁷ إِنَّ كَثِيرًا مِنْ عُلَمَاءِ التَّابِعِينَ قَالُوا إِنَّ الْإِمَامَ مَالِكًا رَضِيَ اللَّهُ عَنْهُ هُوَ الَّذِي عَنَاهُ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ بِقَوْلِهِ (يُوشِكُ أَنْ يَضْرِبَ النَّاسُ أَكْبَادَ الْإِبِلِ فَلَا يَجِدُونَ أَعْلَمَ مِنْ عَالِمِ الْمَدِينَةِ).

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ أَنَّ النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ (يُوشِكُ أَنْ يَضْرِبَ النَّاسُ أَكْبَادَ الْإِبِلِ يَطْلُبُونَ الْعِلْمَ فَلَا يَجِدُونَ أَحَدًا أَعْلَمَ مِنْ عَالِمِ الْمَدِينَةِ) رواه الترمذي وقال هذا حديث حسن.

وَقَدْ رُوِيَ عَنْ ابْنِ عُيَيْنَةَ أَنَّهُ قَالَ فِي هَذَا سُئِلَ مَنْ عَالِمِ الْمَدِينَةِ؟ فَقَالَ إِنَّهُ مَالِكُ بْنُ أَنَسٍ رَضِيَ اللَّهُ عَنْهُ وَابْنِ عَيْنَةَ مِنْ كِبَارِ السَّلَفِ مِنْ مُجْتَمِعِهِمْ تُوْفِيَ سَنَةَ 198 لِلْهِجْرَةِ، وَالْإِمَامَ مَالِكَ تُوْفِيَ فِي الْمَدِينَةِ الْمُنَوَّرَةِ سَنَةَ 179 لِلْهِجْرَةِ، وَضَرَبَ أَكْبَادَ الْإِبِلِ كِتَابَةَ عَنِ السَّيْرِ السَّرِيعِ لِأَنَّ مِنْ أَرَادَ ذَلِكَ يَرْكَبُ الْإِبِلَ وَيَضْرِبُ عَلَى أَكْبَادِهَا بِالرَّجْلِ.

⁴⁸ Walī Allāh, *Hujjat*, 1: 230-31

the four *Sunnīs* schools, using the juristic interpretation i.e. *al-Jāddah al-Qawīmah*, and this indicates the sincerity of that message which Shāh received.⁴⁹ It was said:

”إن مراد الحق فيك أن يجمع شملا من شمل الأمة المحمدية بك”⁵⁰

(The truth in you is to bring together those who include the *Muhammadiyah* nation in you).

After reading the books of the four schools of thought and their origins, and examining the relevant *hadiths* that adhere to it, he decided on the way of later jurists by referring to the light of the unseen, and he says in his commandments:

In furū’āt, those later jurists who combine jurisprudence with Hadīth should be followed, and jurisprudential issues must be presented as per the commands of the Qurān and the Sunnah.⁵¹

He adds: “There is no need for the *ummah* in any age to present discretionary issues to the Qurān and Sunnah”.⁵²

The *takhrīj* is based on the words of the jurists, and each of them follows the wording of the Hadīth, each of them has an origin in religion, and the investigators (*muhaqiqīn*) among the scholars in every age still take that, and some of them are less than that and a lot of that, and some of them the one who multiplies the one and the lesser than that, should not neglect the matter of one of them at all as the general of the two groups does, but the pure right is to match one with the other, and to compel each other’s imbalance, and that is the saying of Al-Hasan Al-Basrī:

”سنتكم – والله الذي لا إله إلا هو – بينهما بين الغالي والجافي ، فمن كان من أهل الحديث ينبغي أن يعرض ما اختاره وذهب إليه علي رأي المجتهدين من التابعين ، ومن كان من أهل التخرīj ينبغي له أن يحصل من السنن ما يحترز به من مخالفة الصريح الصحيح ، ومن القول برأيه فيما فيه حديث أو أثر بقدر الطاقة” .⁵³

5. al-Jāddah in Moderation between Ijtihād and Taqlīd:

According to Shāh, there is a great benefit in staying within the four Sunnī fiqhī schools and great harm in deviating from them due to the following reasons:

I. The Ummah has agreed by consensus to rely on the pious ancestors in knowing the law of Allāh. In doing this the Tab ‘īn relied on the Ṣahābah and Taba’ Tāb ‘īn relied on Tāb ‘īn. In this way the scholars of each generation relied on those who had gone before. Reason indicates the propriety of this because the law of Allāh is only known through transmission and inference.⁵⁴

⁴⁹ Abu al-Hasan 'Alī Nadvī, *Tārīkh D'awat-o 'Azīmat*, 5:131.

⁵⁰ Walī Allāh, *Al-Juz' al-Laṭīf fi-Tarjamat al-'Abd al-da'īf* (no publisher, n.d.), 4.

⁵¹ Walī Allāh, *Iqd al-Jīd*, 74-75.

⁵² Ibid.

⁵³ Walī Allāh, *Hujjat*, 1: 290.

⁵⁴ Walī Allāh, *Iqd al-Jīd*, 40-42.

II. The Prophet (PBUH) said:

“Follow the vast majority”.⁵⁵ Once any authentic schools other than these four died out, then following them became equivalent to following the vast majority and going outside of them was tantamount to abandoning the vast majority.

III. The next one is that once a long time had passed, the era became remote and trustworthiness was lost, it is not permitted to rely on the pronouncements of the corrupt scholars among oppressive judges and the muftis who follow their own whims.⁵⁶

On contrary, Ibn Hazm is of the view that the Taqlīd is forbidden. It is not permitted for anyone to follow the opinion of someone other than the Prophet of Allāh (PBUH) without proof due to a verse of Qurān:

“Follow what was revealed to you from your Lord and do not follow guardians besides Him”.⁵⁷

And He said: “If you disagree among yourselves about something, refer it to Allāh and the Prophet if you believe in Allāh and the Last Day”.⁵⁸

Answering to Ibn Hazm, Shāh arguing that this verse along with other similar verses did not allow recourse to any person beyond the Qurān and Sunnah in time of dispute.⁵⁹ Either he follows the Hadīths and the sayings of the one who disagrees with the matter and does not find a copyist for him, or if he sees a large number of scholars go to him and sees the one who disagrees with him is not invoked except by analogy or deduction or the like, then there is no reason to contradict the hadith of the Prophet, (peace and blessings be upon him) except for hidden hypocrisy or clear idiocy.⁶⁰

6. Conclusion:

Shāh Walī Allāh is one of those personalities who have full command on the sciences of *'Aql* (rationality), *Naql* (the *Qurān*, the *Sunnah* and their sciences) and *kashf* (intuition, mysticism) with the blessings of Allāh Almighty. He had God-gifted ability to understand the reality of *fiqhī* differences and to attempt reconciliation between two or more texts which were apparently contradictory in nature, using his own method called “*al-Jāddah al-Qawīmah*”. He conveyed the message that our ancestors had difference of opinions but had great respect for each other. He focused on to follow *fuqahā muhaddithīn* who do not prefer sayings of *Mujtahidīn* over *Hadīth*. The four *Sunnī schools*, according to him, are equal and respectful, with each should having its own special traits. He always tried to attempt reconciliation among four *fiqhī* schools of thought in the light of *Hadīth*. The best works of the Shāh wherein he has discussed and applied *al-Jāddah al-Qawīmah* are: 1. *al-Tafhīmāt al-Iliyah* 2. *Fūḍ al-Haramain* 3. *Hujjat Allāh al-Balighah* (in its seventh book), 4. *Iqd al-Jīd fī Ahkām al-Ijtihād wa-l-Taqlīd*

⁵⁵ Hadīth is available in the collections of of Ibn Mājah (Fitan 8).

⁵⁶ Walī Allāh, *Iqd al-Jīd*, 41-42.

⁵⁷ Qur’ān 7:3.

⁵⁸ Qur’ān 4:49.

⁵⁹ Walī Allāh, *Iqd al-Jīd*, 42.

⁶⁰ Walī Allāh, *Hujjat*, 1: 280.

5. *al-Inṣāf fī bayān sabab al-Ikhtilāf* 6. *al-Musaffā Sharh al-Muwattā of Mālik in Persian* 7. *al-Musawwā Shrah al-Muwattā of Mālik in Arabic*.