

A BASELESS UNACADEMIC CRITICISM

INTRODUCTION

A Brother writes: "I would like to draw your attention to the venom-spitting of someone called Muadh Khan on 15 November 2013 on a website called www.muftisays.com against your replies to the questions in The Majlis Vol.22 No.3. Criticizing your response to the bone marrow question, he said:

"I am getting seriously concerned about the impact (and cult like following) of Shaykh (Mufti) A.S. Desai. I find some of his writings devoid of Academic rigour..... if other Deobandi Ulama don't counter some of the opinions being propagated it will continue to cause damage to the Deobandees on an enormous scale.What also concerned me seriously is the condition of a brother on this forum who has been categorically shown the position of the Hanafi Madhab and the UNANIMOUS position of Deobandi Ulama on an issue and yet he chooses to ignore all that in favour of lone opinion of Shaykh (Mufti) A.S. Desai. This is really Taqleed of an individual to the next level.....I am very seriously concerned about this phenomenon.

Shaykh (Mufti) Muhammad Yusuf Ludhianvi Shaheed (R.A.) has extensively discussed the issue (of blood donation) in his book with references to Shaykh (Mufti) Shafi (RA), and Shaykh (Allamah) Yusuf Binori (RA), and in the last question on the chapter of organ donation, Hazrat (RA) clearly affirms the receiving blood donation when the need is critical and certified by a competent physician, permissible. In order to maintain supply even the buying and selling of blood is permissible and to provide a service (of a blood bank) is an act of reward.

The minimum unanimous opinion of the Ulama of Deoband is that blood donation in times of dire need (of life and death) is permissible.

Is there no one in South Africa who reads these Fatwas and raises some concerns because it is a divergence with Akabir and Ulama of Deoband.

(End of the brother's criticism on the first question)

OUR RESPONSE

(1) THE BONE MARROW ISSUE

The brother who disagrees with our view whilst trumpeting about the hallucinated lack of 'academic' quality in our answers which are required for practical application, not for idle and futile twaddle, proffered a criticism bereft of any academic value on the aforementioned question.

In his criticism, he mentions a contrary view of Hadhrat Mufti Shafi, Hadhrat Yusuf Binnuri and Hadhrat Yusuf Ludhianvi (rahmatullah alayhim). Since he has deemed it appropriate to criticize our answer, it devolves on him to present an academic refutation. Referring us to the abovementioned seniors is not an academic response because we are not the Muqallideen of these illustrious personalities.

We are the followers of Imaam Abu Hanifah (rahmatullah alayh) and the basis of our views on all issues on which our Aimmah-e-Mujtahideen and Fuqaha have not issued rulings due to such issues being new developments, is *Dalaail-e-Ar'bah, namely, Kitaabullah, Sunnah, Ijma' and Qiyaas*.

If there exists even a *Juz'i mas'alah* of our Fuqaha which has direct relevance to a new development, we utilize such a *juz'i mas'alah*

as a principle for extrapolation of a view and fatwa. We do not extract Shar'i masaa-il from opinion unsubstantiated by the

Nusoos

of the Shariah nor do we resort to

Istimbaat of masaa-il

from Ahaadith. Such action is the

wazeefah (function)

of only the illustrious Fuqaha of the Khairul Quroon era.

It serves no beneficial purpose for the brother to howl that we are harsh and disrespectful. Such howling has no relationship with *dalaa-il*. Such howling is not academic. He has to neutralize our answers by showing precisely our errors. If he succeeds in this, Wallaah! We shall retract our position without the least hesitation. But to refer us to Ulama of these eras and of the recent past is not an academic acquittal, nor are we enamoured necessarily by the fataawa of seniors. Everything gets examined on the basis of the *dalaa-il* of the Shariah. We have not offered Taqlid-e-Shakhsi in the domain of Fiqah and fatwa to any of contemporary senior Ulama. We speak on the basis of the right conferred to us by the Shariah.

We are not interested in the 'minimum unanimous opinion of Ulama of Deoband'. If such opinion is in conflict with the *dalaa-il* we proffer, then it devolves on the Ulama to take up academic cudgels with us. We are under Shar'i obligation to listen and digest such argument. But opinions, explanations and fatwas cannot be arbitrarily forced down our throats, for we are not of such ilk as to swallow. Alhamdulillah, by the fadhil of Allah Ta'ala and the Duas of our Shaikh and Asaatizah we possess adequate academic expertise to take head-on any fatwa which any Aalim of whatever lofty status, issues on contemporary expedients. No one should attempt to impose seniority on us for we have an aversion for blind submission to liberality which diverts from the rigidity of Siraatul Mustaqeem. Modernity and technology do not mellow our stance grounded in the antiquity of the Fuqaha of our Math-hab. We are also loathe to come within the purview of the Qur'aanic castigation: *"They (Bani Israaeel) took their scholars and their saints as gods besides Allah....."*

Thus, when the brother chooses to come into the field of confrontation with his Shar'i *dalaa-il* of academic import, we shall then, Insha-Allah, deal with him in similar fashion. Meanwhile, the Shariah's ruling based on the explicit and unanimous view of our Fuqaha and the Ahaadith is that no part of the human body may be used for any need whatsoever. And Allah knows best.

(2) TARIQ JAMEEL

Commenting on our answer regarding Tariq Jameel, the critic said: *"This is a very strange Fatwa! Hazrat admits that he doesn't know this "chap" called Taeiq Jameel, has no research into what he has said and YET chose to remove the title "Maulana" on the basis of an e-mail and ascribed him to a bedfellow of Kuffar Shiahs, all based on an e-mail."*

OUR RESPONSE

On this issue the brother has demonstrated extreme bigotry and vindictiveness. Beside a snide and emotional remark, he has not refuted the basis for the view regardless of whether that basis has been supplied to us via e-mail. The basis comprises of the following facts:

- Tareeq Jameel prayed in a Shiah temple.
- He ate food with Shiahs who accuse Hadhrat Aishah (radhiyallahu anha) of the foulest act of immorality and who brand 99% of the Sahaabah kaafir, and who subscribe to the most revulsive beliefs of kufr.
- He took haraam pictures with the Shiahs
- He believes that such vile Shiahs are not kaafir.

The brother has not refuted a single one of these grave charges levelled against Tariq Jameel. Regardless of who had made these allegations, if the brother believes them to be false, then he should reject the claims as false, and present his proof. But despite shying away from the facts, he finds fault with our view based on the aforementioned solid basis.

Regardless of our unawareness of the chap, the brother should not be concerned with that. He should academically refute the charges which have been levelled against the chap. He should be aware that Ulama have written books in refutation of Tariq Jameel. When time permits and if Allah Ta'ala bestows the taufeeq to us, we shall study all the relevant information. We shall then be in a position to acquit ourselves with greater confidence and emphasis, Insha-Allah.

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