

Taklif

Taklif is derived from the root *klf*, denoting the imposition of a task or entrusting a duty on someone. Technically, the term *taklif* refers to the legal responsibility that an agent is required to undertake, an exercise that often involves difficulties, inconvenience, and is troublesome. A person who meets the legal prerequisites is known as a *mukallaf* (one who is obligated to discharge a legal duty) whereas God is the *mukallif*, one who imposes the task.

Certain prerequisites are necessary for *taklif*. One who is subjected to *taklif* must be a Muslim, must have attained puberty (*bulugh*), be knowledgeable (*ma'rifa*) about the obligation that is incumbent upon him/her; s/he must have freedom of choice (*ikhtiyar*) to obey or to disobey and, finally, s/he must possess the mental and physical capacity (*istita'a*) to undertake the duty that has been imposed.

There are also exceptions to *taklif*. Hardship or incapacity relieves a person from certain duties or impose less demanding obligations; for instance, a person who is incapacitated is allowed to pray while sitting or sleeping; one who is sick can be exempted from the *taklif* of fasting. A person who is insane or unconscious is exempt from any form of *taklif*.

Qur'anic Roots of *Taklif*

Although the term *taklif* does not occur in the Qur'an, the verb *kallafa*, "to impose" is mentioned on six occasions. Thus, in 2:286 the Qur'an states "God does not charge (*la yukallifu*) any soul save to its capacity". Other verses are of similar purport (see 2:233; 6:152; 7:42; 23:62; 65:7). Historically, the earliest known usage of the term can be dated to the the time of the famous jurist, Abu Hanifa (d. 767). He used it as a technical term for a religious obligation that is incumbent upon humans.

***Taklif* in Islamic Theology**

The principle of *taklif* has been the subject of much theological debate and speculation. Muslim theologians have generally agreed that God is obliged to inform His subjects of the obligations He has imposed on them. More specifically, He has to inform them of those acts which are deemed to be mandatory (*wajib*) to perform (like prayers, fasting, religious taxes - zakat) and those that are prohibited (*haram* - like fornication, consumption of alcohol, lying). He must also inform them of those deeds which are recommended (*mandub*), acts which are reprehensible (*makruh*) and neutral (*mubah*).

God apprises His agents of *taklif* through reason or revelation. The former includes necessary knowledge (general ethical axioms like good and evil which can be derived by unaided reason) and reasoning which is premised on human deliberation and contemplation. Revelatory sources include the scripture (Qur'an) and *sunna* (Prophetic practices) as embodied in the *hadith* works.

This view was maintained by the Mu'tazilis and Shi'is, although the latter added the imams as the medium through which God informs His subjects. The Ash'aris, on the other hand, believed that no *taklif* can be known by reason; for them, the law as revealed in the revelatory sources is the only basis for discerning *taklif*. Hence, for them, knowledge of the law and ethics is anchored in divine revelation.

Jurists added other sources for apprehending *taklif* in particular situations. These included consensus (*ijma'*), analogy (*qiyas*), personal opinion (*ra'y*) and juridical preference (*istihsan*). Shi'is rejected the last three elements as sources of knowing legal duties; instead they added intellect (*'aql*). This included reasoning (*ijtihad*) which was premised on textual sources.

Purpose of *Taklif*

Mu‘tazili and Shi‘i theologians argued that *taklif* is good because God has imposed it. They also maintained that He does not impose something that is evil. The purpose of *taklif* is for exposure to the great benefit, i.e., *thawab* - permanent benefits that will accrue in the hereafter. Due to this, *taklif* is in itself a benefit and therefore necessary. Since *taklif* is good, the theologians argued that it is incumbent to impose *taklif* because it draws people closer to God and distances them from wrongdoing.

Moreover, the theologians argued, *taklif* cannot endure forever, because *thawab* in the hereafter can only be attained upon the completion of *taklif*. Stated differently, if *taklif* were permanent, then the attainment of *thawab* would be impossible. In addition, Mu‘tazili and Shi‘i theologians argued that God cannot impose a burden or difficulty that human beings cannot bear (*taklif ma la yutaq*) for a just God will not oblige His creatures to do the impossible. This is derived from the Qur’anic verse “Allah does not burden a soul beyond that it can bear.” (2:286). However, for the Ash‘aris, no rule applies to God; He can do whatever He wants; everything that He does is just and it would be equally just if He did the opposite.

***Taklif* and Islamic Bioethics**

Since Islam is believed to be pervasive and comprises rules governing the whole spectrum of human conduct, the concept of *taklif* has been utilized to discern ethical rulings in the domain of Islamic bioethics too. Basing their framework on the ethical doctrines that undergird the Islamic legal tradition, jurists have invoked the revelatory sources and reasoning to discern *taklif* in this realm. As bioethics is a relatively new field of studies, they have proffered a wide array of opinions based on their interpretations of sources.

In determining the *taklif* relating to bioethics, jurists have invoked numerous principles established in Islamic legal theory (*usul al-fiqh*). These include the principles of no harm or injury is allowed in Islam (*la darar wa la dirar fi'l Islam*), the principle of public good (*maslaha*), necessity (*darura*), the principle that God wishes ease, not difficulties on humans (2:185) and the obligation to promote good and reject evil. In fact, it is correct to state that Islamic bioethics regards the principles of beneficence and nonmaleficence as central to its worldview. This is premised on the view that the purpose of *taklif* is to promote benefit and avert harm to God's agents.

Bioethical Issues

Questions of health and suffering have also been subjected to the imposition of *taklif*. It is argued that God imposes such difficulties to purge people of their sins, test their faith and patience. Suffering is also construed as a divine plan for humanity's spiritual and moral development and nobility. Thus, suffering is construed as a means to attain the *thawab* for undergoing *taklif*. In this respect, suffering is not seen as evil; rather, it is seen as an opportunity to develop the attributes of fortitude and forbearance.

Based on the Qur'anic verses "One who kills an innocent soul has killed the whole of humanity" (5:32) and "Slay not your children for fear of poverty; We will provide for you and them. Surely the slaying of children is a grievous sin" (17:31), Muslim jurists have ruled that it is prohibited to abort a foetus unless the life of the mother is in danger. According to some jurists, this ruling applies even if the foetus is defective. However, other jurists have opined that this ruling is contingent on when ensoulment occurs. Hanafi jurists have claimed that abortion is allowed until the first trimester, since, in their estimation, this is the time of ensoulment. Shi'i

jurists and many other Sunni jurists have disagreed. They have ruled that since ensoulment occurs at conception, abortion is not allowed unless the life of the mother is in danger. Similarly, euthanasia or physician assisted suicide (PAS) has been prohibited by most jurists since it is construed as suicide. This is despite the possibility that the prolongation of life for a person in a vegetative state exerts financial and psychological burden on family members.

Due to the prohibition of mutilating a body and the need to respect the dignity of the dead, some jurists have ruled against autopsy. Dissecting a body has been permitted for research purposes since the ultimate end is good (leading to possible amelioration or prolongation of human life).

In classical Islamic legal works, there was no concept of organ donation or harvesting since such procedures were inconceivable. In discerning the *taklif* on organ donation, contemporary jurists have had to invoke the principle of the public good. Desecration of the body is seen as a lesser evil for the greater benefit of preserving human life. Most jurists have argued that it is permissible to donate an organ as long as it is not detrimental to one's health and well-being. Organ donation has been permitted by some jurists based on the Qur'anic verse stating that saving one life is equivalent to saving humanity (5:32). Even here, the right of discretion (donating an organ) has to be measured against the possible harm (*darar*) to oneself or to the family (e.g. if the donor is the breadwinner) that could be inflicted by donating an organ.

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