

Discourse Fifteen: Ijtihad and Taqlid according to the Shi'ah

Discourse Fifteen: Juristic Authority [Ijtihād] and Following [Taqlīd] according to the Shī'ah

The words *ijtihād* and *taqlīd*, with their opposite meanings (which we superficially know), are used extensively among Muslims. Of course, in view of the well-known Shī'ah law that one cannot initially follow a deceased authority—which is a Shī'ah juristic dogma whereby after the death of a mujtahid (an expounder of Islamic laws) his followers [muqallidīn] are obliged to follow a living one—these two words are used by Shī'ah Muslims more than by other Islamic sects.

In short, nowadays *ijtihād* and *taqlīd* are used to mean the qualities of having jurisprudential authority and of following a person with such authority, respectively. However, by referring to the history of the advent of Islam, we see that after the death of the Prophet (S) in the parlance of the *sahābah* and *tābi'īn* the word *ijtihād* was used to mean things other than the common meaning used today.

However, in light of the fact that in this paper I intend to talk about the currently established meanings of *ijtihād* and *taqlīd* and their religious roots, and due to the fact that determining their other meanings is historical in nature, I will refrain from discussing the latter.

The religious origins of *ijtihād* and *taqlīd*

In order to understand the comprehensive meaning of *ijtihād* and *taqlīd* and their religious origins, I must note several points:

First of all, in the opinion of the Shī'ahs, in addition to the fact that the pure religion of Islam consists of a series of primary teachings regarding the Origin [mabda'] and Resurrection [ma'ād] and other teachings regarding moral principles, it also possesses a string of rules and regulations regarding human actions that completely cover all aspects of human life in the society.

These laws obligate all responsible [mukallaf] persons—including the black, white, Arabs, non-Arabs, men, and women in all possible environments and conditions—to conform their personal and social behavior to said laws and to adhere to them, the entirety of which is called the shar‘ah.

Of course, no action can be collated to its respective law before the law is scientifically analyzed and understood. This is why acquiring knowledge of the scientific laws and secondary decrees of Islam is one of the duties of Muslims. This is both proven by intellectual reasoning and verified by statements from the Book [kitāb] and Tradition [sunnah].¹

Secondly, in view of the fact that religious statements in the Book and Tradition are general and limited, and that there are an unlimited number of actions and events that make up problematic areas, in order to realize the details of religious decrees there is no way but ratiocination [istidlāl]. It is clear to us that no other way has been shown in religious statements.

Here it becomes evident that in order to discern religious responsibilities, we must tread the path followed by intellectuals of the society in extracting personal and social responsibilities from general, specific, and normal commandments. Stated concisely, a series of specific rules must be utilized in order to deduce canonical duties and precepts from religious statements.

One who researches narrations of the Imāms will observe many cases where they engage in debate with sahab, other followers, or their opposers whereby they deduce canonical precepts from the Book of Allah and Traditions of the Prophet (S) in the standard way. This is the meaning of ijtihād used in modern speech.

Therefore, ijtihād can be defined as gathering precepts of the shar‘ah from religious statements through logical reasoning and a specific set of techniques—the formulae of religious jurisprudence.

Hence, one of the duties Islam charges upon the Muslim society is scientific determination of religious precepts through ijtihād. Clearly, not all Muslims are able to take up this duty and only a select number can become specialists and carry out this charge—obtainment of Islamic precepts through study of religious statements utilizing logical reasoning and rules of inference.

The facts that not all people can employ ijtihād to discern precepts and that all people are obliged to learn religious precepts necessitate that Islam gives those who are not able to perform ijtihād another duty. That is, they receive religious precepts required by their circumstances from individuals proficient in ijtihād and deduction. This is the meaning of the frequently used term taqlīd.

The best reason justifying the precept of taqlīd regarding the uninformed is the ongoing practice among Muslims that has existed from the advent of Islam until today. Those who did not have the ability of ijtihād and were unable to directly use the deductive sciences to attain canonical precepts always referred to jurists and reliable scholars to learn religious issues relevant to their state of affairs.

Besides, there are proofs in the Book and Tradition that attest to the necessity of taqlīd by the uninformed such as Qur'anic verses that enjoin the unlearned to follow the knowledgeable and narrations that discuss taqlīd or encourage some disciples to proclaim religious decrees [fatwā] and similar statements that explicitly or implicitly speak about the issue of taqlīd.

Taqlīd due to inability or lack of opportunity to specialize in deduction

The foregoing discussion made clear the meaning of ijtihād and taqlīd and their religious origins. However, after a more circumspect and deep consideration, one will realize that these concepts possess roots even deeper. Following the path of ijtihād or taqlīd is in fact one of the most basic elements of life, so where a person knows he is unable to perform ijtihād, he has recourse to taqlīd.

Therefore, the dictates of ijtihād and taqlīd in Islam are guidance for the people towards the course demonstrated in the human fitrah.

In explanation, like other general types that exist in the world of creation, humankind has a purpose in accordance to its existential make-up and in line with this objective it is equipped with a specific set of abilities and mechanisms. Using these faculties, they endeavor to maintain their lives and attain their perfectionistic purpose.

The human struggle to achieve life aims is a voluntary activity emanating from human-specific thought. Humans understand the situation of the world, events they encounter, and the matter upon which they work. They weigh the good and evil, the benefit and harm, the dos and don'ts of the actions and endeavors from which they expect facility. After they discover an endeavor corresponding to their life aims and mark it "this must be done", they begin the act.

Through our God-given nature, humans grasp that until we understand the causes and factors or the prerequisites and effects of something, we will not judge it as real and also, until we reckon the factors and means or the effects and benefits of an act, we will not engage in that act.

We directly perceive within ourselves that every phenomenon and event in existence manifests in one of our senses.

We even seek the causes of the smallest sound we might hear. Whatever we intend to do, we first consider—at times comprehensively at others briefly—the reason behind our action, even if we are ignorant of the reason, we at least bear in mind the benefits of the act. Finally, as regards this intellectual discernment, we carry out a cognitive activity on causes and benefits. This mental activity or investigation is what is scientifically called deduction [istidlāl].

Hence, through our God-given nature and genetic actuality humans are deductive beings and naturally

make use of deduction both in scientific theories and in practical applications.

It is a fact that the theoretical knowledge and scientific needs of humans are without bounds and no normal human individual can ever enumerate them all much less give them a comprehensive deductive treatment and independently reason about the truth or falseness and the good or evil in them.

Of course, this is one of the things that naturally draw human individuals to form civilized communities and distribute vital activities among members.

Appreciation of this truth (imperatively) compels each human to take up deduction and scientific discernment—i.e. *ijtihad*—in areas of life in which they possess a certain extent of skill and proficiency.

On the other hand, with regard to other aspects in which they are not skilled, they must follow trustworthy specialists in whom they have confidence and thus deem the expert's scientific determination as their own. In other words, they must conform their actions to the expert's view and in effect imitate them [*taqlid*].

If we want to do something and do not know how, we consult an authority in that discipline. If we want to enter a profession, we ask how to do so from a professional in that field. If we want to learn a craft we become an apprentice of an experienced master craftsman. We seek cures from doctors and expect house plans from an architect. In essence, the structure of public education and instruction in human societies is based upon this fundamental principle.

It is concluded from the foregoing discussion that:

First, the issues of *ijtihad* and *taqlid* constitute the most general, basic and vital issues of humankind. Every human entering the society has no alternative but to accept the approach of *ijtihad* and *taqlid*.

Second, individuals perform *ijtihad* in only a small portion of their lives and progress in other spheres of existence—which cover the greater proportion of life—by means of *taqlid*. Indeed, those who think they have never been subjected to *taqlid* and never will are deluding themselves with a false and amusing notion.

Third, according to *fitrah* and common sense, *taqlid* is necessary only in cases where a person is ignorant and is not able to judge and intellectually research the matter and where a competent authority—i.e. an expert that can be trusted—exists; otherwise, *taqlid* is reproachable.

In further explanation of the first conclusion—that *ijtihad* and *taqlid* are *fitrah*—I should say:

As the clear and frequent statements of the Book and Tradition show, Islam is the religion of *fitrah* (nature) that invites humanity towards a series of vital issues that are indeed also pointed out by the God-given human make-up and *fitrah*. In His heavenly book, the Exalted God declares:

﴿...فَأَقِمْ وَجْهَكَ لِلدِّينِ حَنِيفًا فِطْرَةَ اللَّهِ الَّتِي فَطَرَ النَّاسَ عَلَيْهَا لَا تَبْدِيلَ لِخَلْقِ اللَّهِ ذَلِكَ الدِّينُ الْقَوِيمُ﴾

“So with moderation and resolve welcome and accept the religion that is congruous with the special human genesis. Because genesis is invariable—and stabilizes the religion based upon it. This is the religion that can govern the people and lead them to prosperity...”²

Considering that ijtihād and taqlīd are fundamental fitrah issues, the holy religion of Islam, which invites towards primeval fitrah, also invites towards these concepts.

The opposition to blind imitation

In the end, I must point out that the taqlīd I am talking about is different from the taqlīd that implies blind imitation and mindless following, something that Islam opposes with all its might.

The Holy Qur’an describes this type of taqlīd as one of the basest and most censurable of human qualities and regards those who unconditionally and illogically employ taqlīd and follow their ancestors, great personages, or capricious persons to be like animals because they do not utilize their cogitative minds. In this case, their human quality, the fitrah of reason and curiosity, is ravaged.³ The following holy verses accentuate this point:

﴿وَإِذَا قِيلَ لَهُمْ تَعَالَوْا إِلَىٰ مَا أَنْزَلَ اللَّهُ وَإِلَىٰ الرَّسُولِ قَالُوا حَسْبُنَا مَا وَجَدْنَا عَلَيْهِ آبَاءَنَا أُولَٰئِكَ كَانُوا لَنَا آيَاتٍ وَلَا يَتَذَكَّرُونَ﴾

“And when it is said to them, ‘Come towards what Allah has revealed and towards the Prophet.’ They reply, ‘Suffices us that which we discovered from our fathers.’ Do they follow their fathers even though they knew naught and were not guided?”⁴

﴿قَالُوا بَلْ نَتَّبِعُ مَا أَلْفَيْنَا عَلَيْهِ آبَاءَنَا أُولَٰئِكَ كَانُوا لَنَا آيَاتٍ وَلَا يَعْقِلُونَ شَيْئًا وَلَا يَهْتَدُونَ * وَمَثَلِ الَّذِينَ كَفَرُوا كَمَثَلِ الَّذِي ...﴾

“They reply, ‘No, we will follow that which we discovered from our fathers.’ Do they follow their fathers even though they were void of knowledge and guidance? A person who invites these disbelievers is like a person who calls upon animals who perceive naught of the invitation save its sound. They have become deaf, dumb, and blind and thus do not understand nor think.”⁵

¹ The intellectual reason is that doubtless if a person does not know about something, doing it is beyond their ability and logically there is no duty in the absence of capacity. Hence, the commands and injunctions that confirm our religious responsibilities also confirm the necessity to learn about them. This matter is also substantiated by Qur’anic verses that rescind obligation from those who are incapable of performing them such as:

﴿...لَا يُكَلِّفُ اللَّهُ نَفْسًا إِلَّا وُسْعَهَا﴾

“Allah does not charge a soul more than it can bear...” (Sūrat al-Baqarah 2:286)

﴿...إِلَّا الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاءِ وَالْوِلْدَانِ لَا يَسْتَطِيعُونَ حِيلَةً وَلَا يَهْتَدُونَ سَبِيلًا﴾

“Except for the weak among men, women, and children who have been divested of their ability and cannot...” (Sūrat al-Nisā’ 4:98)

﴿...إِنَّ اللَّهَ لَا يَظْلِمُ النَّاسَ شَيْئًا﴾

“Surely, Allah will not wrong people in the slightest...” (Sūrat Yūnus 10:44)

And verses indicating that calling to account depends upon adequate notification of the individual such as:

﴿...لِنَأْتِيَ بِكُمُ الْبَيِّنَاتِ...﴾

“That the people might have no argument against Allah...” (Sūrat al-Nisā’ 4:165)

There are also many narrations that acquit uninformed wrongdoers exempt of blame. These verses and narrations entail the requirement of learning one’s duties. A famous saying of the Prophet (S) is that, “Seeking knowledge is an obligation for all Muslims.” Furthermore, Shaykh Mufīd quotes the sixth Imām as saying, “God, the Exalted, will ask His servants on the Day of Judgment, ‘Did you know?’ If they answer, ‘Yes’, He will ask, ‘Why did you not act according to what you knew?’ On the other hand, if they answer, ‘I did not know.’ He will ask, ‘Why did you not learn so you could act accordingly?’ Thus, He condemns His servant and this is the meaning of ‘hujjat al-bālighah’ in the following verse:

﴿...فَلِلَّهِ الْحُجَّةُ الْبَالِغَةُ...﴾

“So for Allah is the conclusive argument...” (Sūrat al-An‘ām 6:149)

[2. Sūrat al-Rūm 30:30.](#)

[3. Extracted from a discussion regarding religious authority \[marja‘iyyah\] and the clergy \[rawhāniyyah\].](#)

[4. Sūrat al-Mā‘idah 5:104.](#)

[5. Sūrat al-Baqarah 2:170–171.](#)

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