

Taqlid, Following The Expert

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The Meaning of Taqlid

Taqlid literally means "to follow someone", "to imitate someone". In Islamic legal terminology it means "to follow the *mujtahid* in religious laws." However, this following is based on an informed decision taken by the individual Shi'ah man or woman. Before you start following the opinions of a mujtahid in the shari' ah laws, you have to ascertain that he has the required expertise and that he is of upright character.

Taqlid of a mujtahid, as explained in previous chapter, is only when we do not have direct access to our Present Imam (a.s.). If the Imam had been accessible to us, then we do not have to follow any mujtahid.

Is Taqlid Reasonable?

It is not always unreasonable to follow others and to hold uncritical faith in them. We can logically distinguish four possible forms of imitation:

- that of an ignorant person by an ignorant person;
- that of a learned person by a more learned person;
- that of an ignorant person by a learned person;
- that of a learned person by a less learned person.

It is quite clear that the first three forms of imitations are unreasonable and can serve no purpose. However, the fourth kind of imitation is obviously not only reasonable, but also necessary and matter of common sense; in our everyday life we follow and imitate others in many things; we like to feel that we are taking the advice of experts in matters outside our own knowledge.

Someone who wishes to build a house explains the basic idea of what he wants to the builder and then submits to his advice as to how he should go about the actual construction. The patient follows the

treatment advised by his doctor; a litigant consults a lawyer when drawing up his case for a court. The examples are abundant; in most cases the advice is taken voluntarily, but sometimes the citizen may be required by law to seek expert advice and act upon it, before, for example, he is allowed to take some particularly dangerous drug. The clearest example is obviously in case of a legal dispute between two parties, when they are required to take their grievances before a judge and abide by his decision if they cannot settle their dispute amicably.

The practise of *taqlid* is an example of the same kind: the person who is not an expert in Islamic jurisprudence is legally required to follow the instructions of the expert, that is, the mujtahid. And in this case, the requirement is an obligation which must be observed, for it is an essential part of the divine law.

Once a person has come to accept Islam, it follows as a necessary consequence that he must adhere to the shari'ah either by following a mujtahid (*taqlid*) or by undertaking the acquisition of learning and piety to such a degree that he becomes a mujtahid himself (*ijtihad*).

Support from the Qur'an & Sunnah

This sensible practise of following the mujtahid in shari'ah laws has been endorsed by Islam.

The Qur'an strongly exhorts at least a group of Muslims to devote their time and energy in studying religion. This obligation is of such importance that Allah (SWT) has exempted such persons from the duty of jihad.

He says:

"It is not (right) for the believers to go forth all together (for jihad). So why should not a party from every section of them (the believers) go forth to become learned in the religion?..." (Surah at-Tawba, 9: 124).

More interesting is the reason and purpose of their knowledge: "... to **warn** their people when they return to them, hopefully they may **beware**." (Surah at-Tawba, 9: 124) This verse divides the people into two groups: those who are learned in religious sciences and those who are not. It is the duty of the learned to "warn" (a broad term which implies advice and guidance) the common people, and it is expected of the common people to "beware" (take heed of the learned persons' advice and follow). In shari'ah matters, this process of guiding the common people is technically known as "*ijtihad*," and the process of following the guidance by the common people is technically known as "*taqlid*".

The Imams of Ahlul-Bayt (peace be upon them all) have endorsed this system in theory as well as in practise:

In Theory: In a famous hadith, 'Umar ibn Hanzalah asked Imam Ja'far as-Sadiq (a.s.) about the legality of two Shi'ahs seeking a verdict from an illegitimate ruler (or a judge appointed by such a ruler) in a

dispute over a debt or a legacy. The Imam's answer was that was absolutely forbidden to do so; and then he read the following verse:

"... (Yet in a dispute) they desire to summon one another to the judgment of the taghut¹ though they were commanded to reject and disbelieve in him." (Surah an-Nisaa, 4:60)

Then 'Umar ibn Hanzalah asked, "What the two (Shi'ahs) should do then?" The Imam replied, "They must seek out one of your own who narrates our traditions, who is versed in what is permissible and what is forbidden, who is well-acquainted with our laws and ordinances, and accept him as judge and arbiter, for I appoint him as judge over you. If the ruling which he based on our laws is rejected then this rejection will be tantamount to ignoring the order of Allah (SWT) and rejecting us and rejecting us IS the same as rejecting Allah (SWT), and this is the same as polytheism. [2](#)

In another hadith, Abi Khadijah relates that Imam Ja'far as-Sadiq (a.s.) sent him to his companions with the following message: "If a dispute or a difference occurs among you about a property, then take care not to seek judgment from those illegitimate [judges]; instead, you must seek a person who knows what is permissible and what is forbidden by us, for I appoint him as a judge over you. And take care that you do seek judgement against one another with an unjust ruler."³

The least that these two narrations prove is that the Shi'ahs are not allowed to refer to unauthorized judges for solution to their problems, instead they are advised to seek the guidance of those who are well-versed in the teachings of the Ahlul-Bayt. In these ahadith, the practise of seeking the advice of experts in shari'ah laws is taken for granted.⁴

In Practise: There are several documented cases of Shi'ahs who asked the Imams of their time to appoint someone to adjudicate between them in religious problems. Such questions were raised by those who lived far from Medina or those who could not gain access to their Imam in Medina itself.

1. 'Ali ibn al-Musayyab asked Imam 'Ali ar-Riza (a.s.): "I live far away and cannot always come to you, so from whom should I take the guidance for my religion?" The Imam replied, "From Zakariyyah bin Adam al-Qummi ..."

2. 'Abdu 'l- 'Aziz and Hasan bin 'Ali bin Yaqtin asked Imam 'Ali ar-Riza (a.s.), "I cannot always reach to you to ask about our problems about religious teachings. Is Yunfis bin 'Abdu 'r-Rahman trustworthy enough for seeking religious guidance?" The Imam replied in affirmative.

3. 'Abdullah bin Abi Ya'fur asked Imam Ja'far as-Sadiq (a.s.), "I do not meet you all the times nor is it possible for me to come [to you], and at times one of our friends would come to ask a question from me for which I would have no answer." The Imam said, "What does prevent you from [seeking guidance from] Muhammad bin Muslim ath-Thaqafi, for he has heard [many ahadith] from my father and was respectable in his views."

4. Shu'ayb al-'Araqufi asked Imam Ja'far as-Sadiq (a.s.), "Sometimes we need to ask about certain things, so whom should we ask?" The Imam replied, "Take guidance from [Abu Basir] al-Asadi."⁵

These few examples prove beyond doubt that the practise of seeking the guidance of those who are well versed in religion has been practically endorsed by the Imams of Ahlul-Bayt (a.s.).

Let me end this section with the statement of Imam Muhammad al-Mahdi (a.s.) in answer to a letter sent by Ishaq bin Ya'qub. The Present Imam (a.s.) says, "As for the newly occurring circumstances, you should turn (for guidance) to the narrators of our hadith, for they are my proof over you and I am Allah's proof."⁶

Qualifications of a Mujtahid

Becoming an expert in fiqh and other Islamic sciences is not in itself enough for qualification as a *mujtahid* whom the lay Shi'ahs can follow.

In addition to this expertise, the Shi'ah laws lay down that a mujtahid should be an Ithna-'Ashari Shi'ah and 'Adil. 'Adil can be translated as "just", but it includes other moral and legal qualities such as piety and abstention from all that the shari'ah forbids and fulfillment of all its obligations.

Imam Hasan al-'Askari (a.s.) quotes a long hadith from Imam Ja'far as-Sadiq (a.s.) in which the latter condemned the Jews for following the rabbis. Then the Imam said, "And, similarly, if the lay people of our ummah know in their *fuqaha'* ⁷ open sinfulness, strong racial solidarity, greed for the vanities of this world and its forbidden things, opposition to their opponents who deserve to be helped, and help to their supporters who deserve to be opposed, then whoever from our people follow such *fuqaha'*, then they are like the Jews who have been condemned for following their rabbis."

Then the Imam says: "But if there is anyone among the *fuqaha'* who is in control over his own self, protects his religion, suppresses his evil desires and is obedient to the commands of his Master, then the people should follow him (*yuqalliduhu*)."

"And these qualities will not be found except in some Shi'ah *fuqaha'*, not all of them..."⁸ These conditions in general and the above hadith in particular, make it incumbent upon the believers to be vigilant.

How Can a Believer Know who is a Mujtahid?

There are three recognized ways by which a person can discover who is a mujtahid:

by his own personal knowledge if he is himself a religious scholar;

by the testimony of two 'adil and knowledgeable persons to someone's being a mujtahid;

by a degree of popularity which leaves no doubt about a person's being a mujtahid.

Once a mujtahid is followed by the Shi'ah community, he is known as ***marja'u 't-taqlid*** -- one to whom people refer in taqlid.

Most present day 'ulama' maintain that it is highly desirable not to just follow any mujtahid but to follow a mujtahid who is *al-a'lam*. In a general sense this means "the most learned", but in this specific context it means the mujtahid who has the greatest expertise in deriving the rulings of the shari' ah from its sources. The *a'lam* may be recognized in any of the three ways mentioned above.

However, it is sometimes difficult for the Shiah 'ulama' to distinguish who among all the prominent mujtahids is the most learned, and, as a result, more than one mujtahid may be followed in taqlid at one time (though not, of course, by the same person). This has been the case in the seventies and the eighties; but such multiplicity rarely results in any practical disagreement on legal matters within the Shi'ah community.

Differences among the Mujtahids in their Legal Opinions

Many people wonder why it is that the mujtahids sometimes differ in their religious opinions, or fatwas, when the bases of their ijtihad are the same.

Firstly, any difference in the *fatwas* is never such as to be contradictory; it is almost impossible to find a case of one mujtahid saying some action is wajib and another saying it is haram.

Take, for instance, the case of the Friday prayer (*salatu 'l-jum'ah*). All Shi'ah mujtahids believe that in the presence of the *ma'sum* Imam, this *salat* is obligatory on Fridays because it is the Imam or his representative who has the right to call the people to the Friday prayer; but they differ as to what is the correct course of action when the Imam is in Occultation.

The late Ayatullah Sayyid Muhsin al-Hakim (d. 1970) was of the opinion that *salatu 'l-jum'ah* is not obligatory during the Occultation of the Imam, but it does not matter if someone performs it supposing that it is expected of him, if he also prays the noon prayer (*salatu 'z-zuhr*). Ayatullah Sayyid Abul Qasim al-Khu'i says that "one can choose between performing *salatu 'z-zuhr* or *salatu 'l-jum'ah*; but once the latter is established with all its conditions (fulfilled), then it is precautionarily obligatory (*ihtiyat wajib*) to participate in it."

Ayatullah Sayyid Ruhullah al-Khumayni says that "one can choose between performing *salatu 'z-zuhr* or *salatu 'l-jum'ah*; but if one chooses the latter, then it is advisable (*mustahab*) to precautionarily perform *salatu 'z-zuhr* also." Although there are differences in the opinions of these mujtahids, there is no clash that would, for example, prevent the followers of one of them participating in *salatu 'l-jum'ah* if it were established.

Secondly, the existence of differences in scientific opinions is not to be taken as a sign of a substantial defect in the quest for knowledge and a reason for abandoning it altogether; it is, rather, a sign that

knowledge moves in progressive steps towards perfection. Differences of opinions are to be found in all sciences, not just in *fiqh*.

There may, for example, be more than one opinion about the therapy for a particular patient's disease, and all of these opinions may be superseded later on by the development of a new method of dealing with that disease. Thus these observations can be seen to be relevant not only to differences between the opinions of contemporary scientists but also to historical differences, and all these differences should be regarded as signs of the dynamism within a science and as stages to be passed in its route to perfection.

It should be remembered that the mujtahid formulates his opinions after pushing his research and study as far as he can; that is all that is expected of him, for he is neither inerrant (*ma'sum*) nor knower of the unseen (*'alimu 'l-ghayb*). If the available sources of the shari'ah lead a mujtahid to a particular conclusion and, let us suppose that on the judgement, he comes to know that the actual shariah law was something else -- then neither will he be punished for issuing that *fatwa* nor will his followers be punished for acting accordingly, because both had done what was humanly possible for them to do.

1. "Taghut" means any thing or person who is followed without authorization of God or his representatives. It is used for Satan, an Idol or even a human being who misleads others.

2. Shaykh al-Kulayni, al-Usul mina 'l-Kafi, vol. 1 (Tehran: Daru 'l-Kutubi 'l-Islamiyyah, 1379 AH) p.67; al-Furu' mina 'l-Kafi, vol.7, p.412. In al-Hurr al 'Amili, Wasa'ilu 'sh-Shi'ah, see vol.18 (Beirut: Dar Ihya' 't-Turathi 'l-'Arabi, 1391 AH) p.99.

3. A1-'Amili, Wasa'ilu 'sh-Shi'ah, vol. 18, p. 100 who has quoted it from at-Tusi, Tahzibu 'l-Ahkam, vol, 6, p. 303.

4. Both the narrations quoted above are accepted by most of the Shi'ah scholars of fiqh and hadith. The hadith narrated by 'Umar ibn Hanzalah is considered as a "maqbulah " (acceptable) and that by Abi Khadijah is considered as a "mash-hurah" (famous) hadith, See, for example, the par excellent mujtahid of the last century, Shaykh Murtaza al-Ansari, Kitabu 'l-Makasib (Tabriz: 1375 AH) p. 154. Moreover, these ahadith have been used here as a secondary argument in favour of taqlid; they are not initiating a process but just endorsing it.

5. Wasa'ilu sh-Shi'ah, vol. 18, pp. 106, 107, 105, 103.

6. Shaykh as-Saduq, Kamalu 'd-Din wa Tamamu 'n-Ni'mah (Tehran: Maktabatu 's-Saduq, 1395 AH) p. 484; Shaykh at-Tusi, Kitabu 'l-Ghaybah (Najaf: Maktabatu 's-Sadiq, 1385 AH) p. 177; at-Tabrasi, al-Ihtijaj, vol. 2 (Najaf: Daru 'n-Nu'man, 1966) p. 283. The text quoted above is from at-Tabrasi (c 6th cent. AH). There is a variation in the last part of this hadith in books of at-Tusi (385-460 AH) and as-Saduq (d. 381). Shaykh at-Tusi's version says, " ... and I am Allah's proof over you" referring to all Shi'ahs whereas Shaykh as-Saduq's version says, " ... and I am Allah's proof over them" referring to the mujtahids only. Saduq's version, who lived before Tusi, leaves absolutely no room for the speculation done by a contemporary writer (Sachedina, Islamic Messianism, p. 101) that Tusi's version "seems to have been tampered with" by the 'ulama' of later or Safavid period (10th cent. AH) to promote their own power and status!

7. Fuqaha' is plural of faqih which means expert of Islamic laws, mujtahids.

8. At-Tabrasi, al-Ihtijaj, vol. 2, p. 264.

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