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Ijtihad and Taqlid

A person is allowed to perform the rites of Islam, either by way of “*Ijtihad*” or “*Taqlid*”.

“*Ijtihad*” refers to the intense struggle in the way of extracting the rules of Islam from their sources, of which the most important are the Qur’an and the Ahadith of the Masumin (Peace be upon all of them) – after learning the necessary sciences (of Islam) that enable the person to be able to extract the Ahkam from their sources. A person who has this intellectual power is called a “*Mujtahid*”.

“*Taqlid*” means to follow and to go behind someone, and in the context of Islam, refers to following a Mujtahid; meaning that a person performs his responsibilities according to the Fatawa of a Mujtahid.

Issue 1: A Mujtahid to whom others do Taqlid to is referred to as a “*Marja’ Taqlid*”, and the person who does Taqlid is called a “*Muqallid*”.

Issue 2: Someone who is not a Mujtahid, and is not able to derive the rules and commandments of Allah from their sources, and who cannot act according to Ihtiyat, must do Taqlid to a Mujtahid. This means that he must perform his actions according to the *Fatawa* (of a Mujtahid).

Issue 3: The responsibility of most people in the rules of Islam is to perform Taqlid, because the numbers of people who are able to perform the rules of Islam by reaching to the level of Ijtihad are few.

Issue 4: The Mujtahid, to whom one does Taqlid to, must be:

- Just (Adil)
- Living
- Male
- Shi’a Ithna-‘Asheri
- According to Ihtiyat Wajib, must be *A’lam* (the most knowledgeable)

Issue 5: If the Mujtahid to whom a person is doing Taqlid to passes away and the living Mujtahid is not more knowledgeable than the one who passed away, then the Muqallid can stay on the Taqlid (of the deceased Marja') if the following two conditions are met:

- 1) He (the Muqallid) had previously acted upon some of the Fatawa.
- 2) The Muqallid has made a decision that when a (new) issue comes up, he will follow the (new) Mujtahid.

In addition, according to Ihtiyat Wajib, if the Mujtahid who has passed away was more knowledgeable than the living Mujtahids, then one must stay on his Taqlid.

Issue 6: A'lam is that scholar who is strongest from among the Mujtahidin, in extracting the rules of Islam from their sources.

Issue 7: There are three ways to distinguish the Mujtahid and the most knowledgeable:

¶1 A person himself has certainty; for example he himself is of the "People of Knowledge" and is able to discern who is a Mujtahid and A'lam.

The statement of two knowledgeable and Just people, who are able to discern who is a Mujtahid and A'lam, on the condition that two knowledgeable and Just people do not go against their statement.

¶1 A group of the "People of Knowledge" who are able to determine who is a Mujtahid and A'lam verify who is a Mujtahid or the A'lam, as long as one has certainty in their words.

Issue 8: The ways to obtain the fatawa of the Mujtahid are:

- Hearing it from the Mujtahid himself.
- Hearing it from two Just people.
- Hearing it from even one person in whom one has certainty in his words.
- Seeing it in the Resalah of the Mujtahid, as long as one has certainty in its authenticity.

Issue 9: If the Fatwa of the Mujtahid in his Resalah (Book of Islamic Laws) changes, then the Muqallid must act according to the new ruling, and it is not permissible to act upon the previous ruling.

Issue 10: It is Wajib upon a person that he learns those rules that he will always be in need of.

The difference between Ihtiyat Mustahab & Ihtiyat Wajib

Issue 11: *Ihtiyat Mustahab* always accompanies a Fatwa, meaning, in that ruling, and the Muqallid can act either according to the Fatwa or the Ihtiyat, whichever one he prefers to act upon. For example, in

this ruling:

Washing a Najis dish in Kurr Water once makes the dish Tahir, although the Ihtiyat is that it should be washed three times.

Ihtiyat Wajib does not accompany a Fatwa, and therefore, the Muqallid must act according to the Ihtiyat, but he is also able to refer this rule to another Mujtahid (perform *Ruju*) – for example:

The Ihtiyat is that one does not perform Sajdah on the leaf of the grape tree if it is a fresh leaf.

What are the signs of someone being Baligh?

There are three signs of reaching Bulugh (Maturity):

1. The discharge of semen^{[1](#)}.
2. The growth of coarse hair in the pubic^{[2](#)} region.
3. The completion of fifteen (15) years for boys, according to the Lunar calendar, and the completion of nine (9) years for girls, according to the Lunar calendar.

It is not necessary to see all three of the above mentioned signs to be sure of one being Baligh. Rather, seeing even one of these signs confirms this. Therefore, if semen is discharged from a youth, even if he has not yet reached to the age (as mentioned previously), he will be (considered as being) Baligh, and must act according to the laws of Islam.

^{[1](#)} Semen: A liquid that comes from the reproductive glands either from sexual intercourse or by having a wet dream, from the area where urine comes out.

^{[2](#)} The Pubic Region includes the private parts and the area under the stomach.

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